

1 UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
3 SAN FRANCISCO DIVISION  
4 -----X  
5 IN RE: ROUNDUP PRODUCTS ) MDL No. 02741  
6 LIABILITY LITIGATION )  
7 )  
8 THIS DOCUMENT RELATES TO )  
9 ALL ACTIONS )  
10 -----X

11  
12 C O N F I D E N T I A L  
13 PURSUANT TO PROTECTIVE ORDER  
14  
15

16 VIDEOTAPED DEPOSITION OF SAMUEL MURPHEY  
17 (IN HIS 30(b)(6) CAPACITY FOR MONSANTO COMPANY  
18  
19 AND IN HIS INDIVIDUAL CAPACITY)

20 WASHINGTON, D.C.

21  
22 TUESDAY, JANUARY 22, 2019  
23

24 8:56 A.M.

25 Pages: 1 - 409

Reported by: Leslie A. Todd

1           Deposition of SAMUEL MURPHEY, held at the  
2   offices of:

3

4

5                   HOLLINGSWORTH, LLP

6                   1350 I Street, N.W.

7                   Washington, DC 20005

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13           Pursuant to notice, before Leslie Anne Todd,  
14   Court Reporter and Notary Public in and for the  
15   District of Columbia, who officiated in  
16   administering the oath to the witness.

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A P P E A R A N C E S

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5 conversation with Gina.docx,  
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P R O C E E D I N G S

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THE VIDEOGRAPHER: We are now on the record. My name is Daniel Holmstock. I am the videographer for Golkow Litigation Services. Today's date is January 22nd, 2019. The time is 8:56 a.m. This video deposition is being held at the law offices of Hollingsworth, LLP, at 1350 I Street, Northwest, in Washington, D.C., in the matter of In Re Roundup Products Liability Litigation, MDL Number 02741, pending before the United States District Court for the Northern District.

The deponent today is Mr. Sam Murphey, as a 30(b)(6) witness representing Monsanto Corporation.

Counsel will be noted on the stenographic record for appearances.

The court reporter is Leslie A. Todd, who will now administer the oath.

WHEREUPON,

SAMUEL MURPHEY,  
having first been duly sworn, was  
examined and testified as follows:

MR. ESFANDIARY: Pedram Esfandiary for

1 plaintiffs.

2 THE VIDEOGRAPHER: Oh, okay. I had you  
3 noted on the stenographic record.

4 MR. ESFANDIARY: Oh, you did. Okay.

5 MR. PARISER: Before we start, Counsel,  
6 I'm still not getting the Livenote feed. Will  
7 that start up automatically?

8 (Discussion off the record.)

9 THE VIDEOGRAPHER: The time is 8:57 a.m.  
10 We're going off the record.

11 (Resolving technical issues.)

12 THE VIDEOGRAPHER: The time is 8:59 a.m.  
13 And we're back on the record.

14 EXAMINATION BY COUNSEL FOR PLAINTIFFS  
15 BY MR. ESFANDIARY:

16 Q Good morning, Mr. Murphey. How are you  
17 doing?

18 A Good morning. I'm doing fine, thank  
19 you.

20 Q So my name is Pedram Esfandiary. We met  
21 off the record, briefly. I'm representing the  
22 plaintiffs in this litigation. Do you know what  
23 this litigation is about?

24 A I do.

25 Q Okay, great. Have you given testimony

1 previously in deposition?

2 A I have not.

3 Q This is your first deposition?

4 A It is.

5 Q Okay. So I assume counsel walked you  
6 through the various, you know, procedural  
7 mechanisms of a deposition. If you want, I could  
8 walk you through them again.

9 But just very briefly, this is a  
10 question and answer format. So please wait for a  
11 question, and wait until I finish my question  
12 before you give an answer. Counsel may object  
13 throughout the deposition, but I'm entitled to  
14 your best answer, unless he instructs you not to  
15 answer, and we can have a fight about that.

16 So before we get going here, I would  
17 just like to lay out some preliminary --  
18 preliminary issues.

19 You understand that you've been  
20 proffered here as a witness to testify on behalf  
21 of the Monsanto Corporation, correct?

22 A I do.

23 Q Okay. And you are currently an employee  
24 of the Monsanto Corporation, right?

25 A Yes, Monsanto, and now Bayer.



1 Q Bayer. So you are technically an  
2 employee of Bayer now, right?

3 A I am.

4 Q I'm going to mark what will be  
5 Exhibit No. 1 to your deposition. That's yours.

6 MR. ESFANDIARY: And a copy for counsel.

7 (Murphey Exhibit No. 1 was marked  
8 for identification.)

9 BY MR. ESFANDIARY:

10 Q And this is Plaintiffs' Amended Notice  
11 to take the videotaped oral deposition of Monsanto  
12 Company.

13 Have you seen this notice before, sir?

14 A Yes, I have.

15 Q Okay. If you would please turn to page  
16 number 3, it's Exhibit A, it identifies various  
17 topics for deposition that the Monsanto  
18 representative will be testifying about. And if  
19 you'd turn to page number 4, sir, and you look at  
20 subjects number 18 and 19 there, 18 says,  
21 "Monsanto's knowledge, positions, and conduct  
22 related to the Let Nothing Go campaign and/or  
23 initiatives."

24 Do you see that, sir?

25 A I do.

1           Q     The one below it, No. 19, "Monsanto's  
2     knowledge, positions, and conduct related to the  
3     interactions with the media and press related to  
4     IARC's classification of GBFs as a probable human  
5     carcinogen."

6                     Do you see that?

7           A     I do.

8           Q     Is it your understanding that you are  
9     here, able and competent to testify about these  
10    two topics?

11          A     Yes, sir.

12          Q     On behalf of the Monsanto Corporation,  
13    correct?

14          A     Yes.

15          Q     Great. So the way we're going to do  
16    this, I'm going to start the deposition with these  
17    two topics. I'm going to start with topic No. 19,  
18    proceed to 18, and then I may ask you some  
19    questions in your individual capacity related to  
20    your work at the Monsanto Corporation. Cool?

21          A     I understand.

22          Q     All right.

23                     MR. PARISER: Counsel, just to clarify,  
24    are we going to mark the 30(b)(6) segment of the  
25    deposition completed, and then proceed to the

1 separate individual deposition, or how do you want  
2 to handle that?

3 MR. ESFANDIARY: I'd rather not do -- we  
4 can talk about that maybe during a break, but I'd  
5 rather not do that at this moment. We'll see how  
6 the deposition unfolds, and we can maybe talk  
7 about that.

8 MR. PARISER: Okay. We'll -- we'll talk  
9 about that at the next break. I just want it to  
10 be as clear as possible when the witness is  
11 speaking on behalf of the company, as opposed to  
12 his individual capacity.

13 MR. ESFANDIARY: I'll -- I'll ask him --  
14 if I'm -- I'll form the question to suggest I'm  
15 asking him in his individual capacity.

16 BY MR. ESFANDIARY:

17 Q All right. How long have you been an  
18 employee of the Monsanto Corporation, Mr. Murphey?

19 A Since January of 2013.

20 Q Since 2013. Okay. So you've been there  
21 for about, what, it's coming up to four years,  
22 right?

23 A No, sir. It would be just over six  
24 years.

25 Q Six years.

1 THE VIDEOGRAPHER: Counsel, I need to go  
2 off the record again. I'm sorry.

3 MR. ESFANDIARY: Yeah.

4 THE VIDEOGRAPHER: The time is 9:03 a.m.  
5 We're going off the record.

6 (Pause in proceedings.)

7 THE VIDEOGRAPHER: The time is 9:08  
8 a.m., and we're back on the record.

9 BY MR. ESFANDIARY:

10 Q All right, Mr. Murphey, before I got my  
11 math all bungled up there, so you've been at the  
12 Monsanto Corporation for six years?

13 A Yes.

14 Q Correct? Okay. I would like to mark  
15 Exhibit No. 2 to your deposition.

16 (Murphey Exhibit No. 2 was marked  
17 for identification.)

18 BY MR. ESFANDIARY:

19 Q And this is what appears to be your  
20 LinkedIn page, correct, sir?

21 A Yes, that's right.

22 Q Okay. And if you turn to page 2 of 4,  
23 you got your education at Truman State  
24 University -- is that upper Missouri?

25 A Yes, sir.

1 Q Okay. And you received a bachelor of  
2 arts, BA, in communication journalism, right?

3 A That's correct.

4 Q In 2006?

5 A That's correct.

6 Q And then you proceeded to work as a  
7 communications director in the office of Governor  
8 Jay Nixon of Missouri, correct?

9 A That's correct.

10 Q And you did that for two years. What  
11 did that position entail? What's a communication  
12 director?

13 A Sure. So the communications director in  
14 the governor's office oversaw a team of  
15 professionals who handled media relations, event  
16 planning, helped the governor with preparation of  
17 speeches and remarks. We were kind of the public  
18 and media liaison for the office.

19 Q We have a term for a public relations  
20 individual in the U.K., specifically the one that  
21 works for government. Have you heard of the term  
22 "spin doctor"?

23 MR. PARISER: Objection to form.

24 THE WITNESS: I've -- I've heard that  
25 term. I don't think it reflects what I did in the

1 governor's office.

2 BY MR. ESFANDIARY:

3 Q So did part of your job entail, at the  
4 governor's office, taking what could be  
5 potentially negative PR issues, and turning them  
6 into positive ones for the governor?

7 MR. PARISER: Objection to form.

8 THE WITNESS: I -- I think my  
9 responsibilities in the governor's office focused  
10 on helping develop messaging and communicate his  
11 policies and his priorities to the public.

12 BY MR. ESFANDIARY:

13 Q In a positive way, ideally?

14 A Sure. We wanted -- wanted to emphasize  
15 the benefits and the good work the governor was  
16 doing for the state, while accurately reflecting  
17 his positions.

18 Q And if a negative story was to be issued  
19 with respect to what the governor is doing in  
20 office, part of your job entailed to, essentially,  
21 turn it into a potentially positive one for the  
22 governor, correct?

23 A No. I think my -- our focus was more on  
24 communicating his policy and priorities -- his  
25 policies and his priorities in an accurate way,

1 that helped advance his agenda for the state.

2 Q So you --

3 MR. PARISER: And, Counsel, just to  
4 interrupt for a second, it should be obvious, but  
5 all of these background questions, and questions  
6 about his past history are outside the scope of  
7 the 30(b)(6) notice. So these are all in his  
8 individual capacity.

9 Can I have a running objection in that  
10 regard.

11 MR. ESFANDIARY: Sure. That's fine.

12 BY MR. ESFANDIARY:

13 Q If you turn to page 1 of your LinkedIn  
14 profile there, and here it identifies your tenure  
15 at Monsanto Company, correct?

16 A Yes, it does.

17 Q And it says, global external affairs  
18 lead, chemistry.

19 A Yes.

20 Q If I could stop right there. Do you  
21 have any background in the sciences?

22 A No, sir. My degree is in communication  
23 and journalism.

24 Q You don't have any independent knowledge  
25 of chemistry, correct?

1           A     No. My knowledge of the science behind  
2     our products would come from my conversations with  
3     Monsanto scientists.

4           Q     So you would defer to your Monsanto  
5     colleagues -- by the Monsanto colleagues, when it  
6     comes to scientific issues pertaining to the  
7     product, correct?

8           A     That's correct.

9           Q     Would those -- would the individuals  
10    that you would defer to include people like  
11    Dr. Donna Farmer?

12          A     Yes.

13          Q     And people like Dr. Bill Heydens?

14          A     Yes.

15          Q     So if Dr. Farmer was to say, "We cannot  
16    say that Roundup is not carcinogenic, because we  
17    have not tested the formulated product," would you  
18    defer to her on that?

19                MR. PARISER: Objection to form.  
20    Misstates the record.

21                THE WITNESS: I -- I would -- I have a  
22    lot of confidence, a tremendous amount of  
23    confidence in the professionalism and expertise of  
24    Dr. Farmer and her colleagues at our company. I  
25    understand the specific context around that



1 particular comment that Dr. Farmer was trying to  
2 make. She was trying to be very accurate and  
3 precise in language.

4 But, yes, I would refer to Dr. Farmer's  
5 expertise on a variety of subjects.

6 BY MR. ESFANDIARY:

7 Q That wasn't quite my question there.

8 So my question was, with respect to the  
9 statement, "We cannot say that Roundup is not  
10 carcinogenic, because we have not tested the  
11 formulated product," would you defer to Dr. Farmer  
12 on that statement?

13 MR. PARISER: Objection to form.  
14 Misstates the record.

15 THE WITNESS: Yes, and I understand what  
16 Dr. Farmer meant in that -- in that context.

17 BY MR. ESFANDIARY:

18 Q And if Dr. Bill Heydens said that he  
19 believes "a tumor in a mouse study could be  
20 related to exposure to the surfactant in the  
21 formulated product," would you also defer to his  
22 expertise in that regard?

23 MR. PARISER: Objection to form.  
24 Misstates the record.

25 THE WITNESS: I would like to see the

1 specific context around -- around that statement.  
2 So I can't respond to that particular statement in  
3 specificity, but I would defer to Dr. Heydens'  
4 expertise.

5 BY MR. ESFANDIARY:

6 Q All right. If you look back at your  
7 LinkedIn profile there, your tenure at the  
8 Monsanto Company, it says, "Direct global media  
9 relations and advocacy efforts in support of major  
10 litigation, policy matters, and reputational  
11 threats, focusing on the herbicide business and  
12 freedom to operate."

13 Do you see that?

14 A I do.

15 Q All right. And we'll get into  
16 specifically what "freedom to operate" entails,  
17 but part of your efforts at Monsanto were to  
18 assist in the ongoing litigation -- responding to  
19 ongoing litigation, particularly with respect to  
20 Roundup, correct?

21 MR. PARISER: Objection to form.

22 THE WITNESS: Yes, the Roundup  
23 litigation was one of the -- one of the pieces of  
24 litigation that my team and I supported, as it was  
25 attracting a significant number of inquiries from

1 reporters around the world.

2 BY MR. ESFANDIARY:

3 Q And it says, "direct global media  
4 relations." Is it fair to say that the judgment  
5 that you exercise in your position at the Monsanto  
6 Company helped direct corporate policy in the  
7 areas identified in your LinkedIn profile?

8 MR. PARISER: Objection to form, and  
9 objection to the extent you're asking the witness  
10 for -- to make a legal conclusion.

11 THE WITNESS: Could you -- could you  
12 clarify by what you mean by "directing corporate  
13 policy" in those areas?

14 BY MR. ESFANDIARY:

15 Q Well, for example, when it says, "direct  
16 global media relations and advocacy efforts," in  
17 your capacity at Monsanto, where you were  
18 directing the global media relations, did the  
19 decisions that you make help shape Monsanto policy  
20 in this regard?

21 MR. PARISER: Same objection. Objection  
22 to form, and to the extent you're asking the  
23 witness to make a legal conclusion about his  
24 ability to bind the company.

25 THE WITNESS: My -- my responsibilities

1 would have included working with our team to  
2 determine how best to receive inquiries coming in  
3 from reporters, to work with our scientists to  
4 develop those responses, our proactive strategies  
5 around reaching out to reporters. And, yes, I  
6 would have had -- I would have provided direction  
7 over those activities.

8 BY MR. ESFANDIARY:

9 Q And that would have eventually shaped  
10 Monsanto corporate policy with respect to the  
11 media outreach and the global media relations that  
12 the Monsanto Company engaged in with respect to  
13 the Roundup litigation, correct?

14 MR. PARISER: Same objections.

15 THE WITNESS: I'm -- I'm struggling to  
16 understand exactly what you mean, again, by  
17 "shaping the corporate policy." But, yes, I  
18 did -- I did direct and provide leadership for  
19 those activities.

20 BY MR. ESFANDIARY:

21 Q In the second paragraph there, it says,  
22 "Place compelling stories that materially  
23 contribute to commercial litigation and government  
24 relations strategies and initiatives." Do you see  
25 that?

I do.

☐ \_\_\_\_\_ ☐ \_\_\_\_\_ ☐ \_\_\_\_\_

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[illegible]





■ [REDACTED]

2 Q Let's switch gears here to the  
3 International Agency for Research on Cancer, IARC.  
4 You're familiar with IARC, correct, sir?

5 A Yes, I am.

6 Q And do you know how long IARC has been  
7 around for?

8 A My understanding is 50 or so years.

9 Q I would like to mark as Exhibit No. 5 to  
10 your deposition -- oh, it's 4, rather.

11 (Murphey Exhibit No. 4 was marked  
12 for identification.)

13 BY MR. ESFANDIARY:

14 Q All righty. This is an excerpt from the  
15 IARC website. And the name of the specific page  
16 is Agents Classified By the IARC Monographs,  
17 Volumes 1 through 123. This page was last updated  
18 November 9th, 2018. Have you seen this page  
19 before?

20 A I don't know that I've seen this  
21 particular page before.

22 Q Have you ever visited the IARC website  
23 before?

24 A Yes.

25 Q But you don't recall coming across the

1 page dealing or addressing the specific chemicals  
2 that IARC has classified over the years?

3 A I just -- I don't recall whether or not  
4 I've seen this specific page.

5 Q And if you look to the right-hand there,  
6 it identifies different numbers -- the agents that  
7 IARC has classified over the years. Do you know  
8 how many total -- how many chemicals IARC has  
9 reviewed and classified over the years? I've done  
10 the math myself. I can represent it to you, if  
11 you want.

12 A Yeah, I mean, it seems to be the sum of  
13 that column of numbers.

14 Q It's 1,013 over the years.

15 A Fair enough, yeah.

16 Q So in 50 years at IARC, they've reviewed  
17 about over a thousand chemicals. Okay?

18 A That's my understanding, yes.

19 Q And can you see that out of the 1,013  
20 chemicals, only 120 agents have been classified as  
21 group 1, carcinogenic to humans?

22 A That's what -- that's what's written  
23 here on the page.

24 Q Can you see that the majority of the  
25 chemicals have been classified in group 3, not

1 classifiable as to its carcinogen in humans?

2 A That -- group 3 does have the largest  
3 number next to it, yes.

4 Q Now, IARC classified glyphosate in 2015,  
5 correct?

6 A Yes.

7 Q Do you know which category IARC  
8 classified glyphosate in?

9 A The IARC opinion on glyphosate was  
10 category 2A.

11 Q That would be the second down from the  
12 top, probably carcinogenic to humans, correct?

13 A That's correct.

14 Q And within that group, there's 82  
15 chemicals out of the 1,013 that IARC has reviewed,  
16 correct?

17 MR. PARISER: I'm just going to object  
18 generally that your questioning so far about this  
19 document is outside the scope of the 30(b)(6), but  
20 you can go ahead. He can answer in his personal  
21 capacity.

22 THE WITNESS: Yes, it says 82.

23 BY MR. ESFANDIARY:

24 Q So you agree that fewer chemicals have  
25 been classified by IARC as probably carcinogenic

1     than not classifiable as to carcinogenicity,  
2     correct?

3                   MR. PARISER:  Same objections as to  
4     scope.  Go ahead.

5                   THE WITNESS:  Yes, that's accurate,  
6     based on what's written here.

7     BY MR. ESFANDIARY:

8           Q     And in the group that IARC classified --  
9     classified glyphosate, group 2A, probably  
10    carcinogenic to humans, are you aware that the 82  
11    other chemicals in the category in which  
12    glyphosate falls, that represents 8 percent of the  
13    total number of chemicals reviewed by IARC?

14                  MR. PARISER:  Same objections.

15                  THE WITNESS:  That's roughly correct,  
16    based on the math.

17    BY MR. ESFANDIARY:

18           Q     So out of over a thousand chemicals,  
19    IARC has classified 8 percent as being probably  
20    carcinogenic to humans, correct?

21                  MR. PARISER:  Same objections.

22                  THE WITNESS:  Again, yeah, based on --  
23    based on the math, that's right.

24                  But just to be -- to be clear, though, I  
25    don't think it -- IARC doesn't just classify

1 chemicals. It can be other substances. It can be  
2 activities as well.

3 BY MR. ESFANDIARY:

4 Q Sure. All right.

5 MR. ESFANDIARY: I'm going to move this  
6 document into evidence as well. And we're going  
7 to proceed to Exhibit No. 5.

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5                    (Murfhey Exhibit No. 6 was marked  
6                    for identification.)

7 BY MR. ESFANDIARY:

8                    Q        I'm going to mark as Exhibit No. 6 to  
9                    your deposition.

10                    A        Thank you.

11                    Q        This is -- an article by Mr. Chris  
12                    Bennett titled Glyphosate War Stirs Chemical  
13                    Storm. And it was published October 23rd, 2018.  
14                    Do you recall reading the final article that  
15                    Mr. Bennett published, sir?

16                    A        Let me just take a minute to -- (Peruses  
17                    document.)

18                    I think I do recall seeing this article  
19                    when it came out.

20                    Q        Okay. If you turn to page 5, and at the  
21                    top there, it says, "Vice president of Bayer has  
22                    rendered opinions" -- sorry, let me go back.

23                    It says, "Vice president of Bayer: IARC  
24                    has rendered opinions on 1,200 substances, and in  
25                    all but one, found cancer risks."

1                   Is it your understanding that this is  
2                   substantively the same quote that Mr. Bennett sent  
3                   to you and your colleagues at Monsanto to check  
4                   for accuracy, sir?

5                   A       Yes, that looks to be substantively  
6                   similar to what Mr. Bennett sent in his e-mail to  
7                   Ms. Lord.

8                   Q       Now, Mr. Partridge's e-mail doesn't say  
9                   that 499 chemicals have been classified in  
10                  group 3, not classifiable as to its  
11                  carcinogenicity to humans, correct?

12                  MR. PARISER:  Objection to form.

13                  THE WITNESS:  No.  Again, the context of  
14                  his statement here is that of the 1,200 or so  
15                  substances that IARC has classified, only one is  
16                  classified in category 4.

17                  BY MR. ESFANDIARY:

18                  Q       He says, all but one.  He doesn't say  
19                  only one.  He says, everything has been classified  
20                  as carcinogenic but one, correct?

21                  MR. PARISER:  Objection to form.

22                  THE WITNESS:  In all but one, they found  
23                  some -- some level -- some level of risk.  Again,  
24                  there's only -- there's only one category.  And  
25                  that's category 4 that says, probably not

1 carcinogenic to humans.

2 BY MR. ESFANDIARY:

3 Q Is it your testimony to the jury that  
4 not classifiable as to carcinogenicity indicates  
5 that IARC found some kind of a risk?

6 MR. PARISER: Objection to form and  
7 scope.

8 THE WITNESS: I'm not familiar with the  
9 exact criteria of category 3. You know, it -- but  
10 it seems to suggest that they don't have  
11 convincing evidence either way. But the sole  
12 category that is probably not carcinogenic to  
13 humans is category 4.

14 BY MR. ESFANDIARY:

15 Q Right. But the category, not  
16 classifiable, it includes chemicals that have been  
17 reviewed and classified by IARC, correct?

18 MR. PARISER: Same objections.

19 THE WITNESS: Yes, in category 3. Not  
20 in category 4.

21 BY MR. ESFANDIARY:

22 Q Right. But when Mr. Partridge says that  
23 IARC has found cancer risks in all, he is lumping  
24 in category 3 in his statement there, isn't he,  
25 sir?

1 MR. PARISER: Same objections. Asked  
2 and answered.

3 THE WITNESS: Yes, because of the 1,200  
4 or so substances and activities, and other things  
5 that IARC has classified, there is only one that  
6 is in category 4.

7 BY MR. ESFANDIARY:

8 Q But I'm not asking about the one in  
9 category 4. I'm asking about, when he says, in  
10 all, he is including category 3, not classifiable  
11 as to carcinogenicity, in that statement, correct?

12 MR. PARISER: Same objections.

13 THE WITNESS: Yes.

14 BY MR. ESFANDIARY:

15 Q So Monsanto represented to the world  
16 that even in instances when IARC has classified a  
17 chemical as not classifiable as to  
18 carcinogenicity, that indicates a risk, correct?

19 MR. PARISER: Same objections.

20 THE WITNESS: No. Mr. Partridge made  
21 the point here that there's only one substance, of  
22 all that IARC has looked at, that is in  
23 category 4. That is -- that is how I read his --  
24 his statement.

25 BY MR. ESFANDIARY:

1           Q     And just so the record is clear, I  
2 understand that he said that he's referring to the  
3 category 4, but he's also referring to all the  
4 other categories, correct?

5           MR. PARISER: Same objections. Asked  
6 and answered.

7           THE WITNESS: Yes, every -- everything  
8 that is not in category 4.

9 BY MR. ESFANDIARY:

10          Q     Which includes not classifiable.

11          A     Correct, because those are not in  
12 category 4, probably not carcinogenic to humans.

13          Q     So when Mr. Partridge says that IARC has  
14 found a cancer risk in all, my question to you,  
15 sir, is Monsanto's representing that not  
16 classifiable to carcinogenicity implies that there  
17 is a risk of cancer, correct?

18          MR. PARISER: Same objections. Asked  
19 and answered.

20          THE WITNESS: There -- there could be;  
21 there could not be. It's a substance, or an  
22 activity, or item that is not in category 4, which  
23 is the only category that is definitively probably  
24 not carcinogenic to humans.

25 BY MR. ESFANDIARY:

1           Q     And Mr. Partridge did not make that  
2     distinction in issuing this quote to the world,  
3     correct?

4           MR. PARISER:   Same objections.   Asked  
5     and answered several times.

6           THE WITNESS:   No.   Mr. Partridge made  
7     the point that of all of the substances that IARC  
8     looked at, there's only one that is in category 4.  
9     BY MR. ESFANDIARY:

10          Q     And getting really technical, because  
11     IARC -- you agree IARC is a research organization,  
12     correct?

13          MR. PARISER:   Objection to scope.

14          THE WITNESS:   My understanding is that  
15     IARC conducts a number of activities.   They do --  
16     you know, they do some research.   And then in the  
17     case of the monographs program, they review  
18     research that others have done.

19     BY MR. ESFANDIARY:

20          Q     And they have clearly distinguished  
21     criteria by which they classify chemicals, and  
22     activities, and foods, and so forth, correct?

23          MR. PARISER:   Same objections.

24          THE WITNESS:   Yes, that's generally  
25     my -- my understanding.



1 BY MR. ESFANDIARY:

2 Q And these clearly defined criteria are  
3 clearly defined for a -- for a reason, correct?

4 MR. PARISER: Objection to form.

5 THE WITNESS: I -- I can't speak to how  
6 clearly defined or not they are. That's not --  
7 I'm not familiar with the specific criteria. But  
8 I understand that there are criteria by which they  
9 choose to place a substance, or an activity, or a  
10 food, as you said, into a different category.

11 BY MR. ESFANDIARY:

12 Q Given the numbers that we looked at,  
13 with respect to how many chemicals have been  
14 classified in specific groups by IARC, and 499 of  
15 them being not classifiable as to carcinogenicity,  
16 is it accurate to say, that in every instance but  
17 one, IARC has found a cancer risk?

18 MR. PARISER: Objection to scope and  
19 form and scope. Asked and answered numerous  
20 times.

21 THE WITNESS: Yes, in -- through the  
22 IARC classification system, there is only one  
23 substance where they have said it is -- it is in  
24 category 4, which is their only category that is  
25 probably not carcinogenic to humans.

1 BY MR. ESFANDIARY:

2 Q Is it accurate to say that the majority  
3 of the chemicals reviewed by IARC have been  
4 classified as carcinogens?

5 MR. PARISER: Same objections.

6 THE WITNESS: They have been put -- they  
7 have been put into a category that, you know,  
8 suggests that there is some reason that they would  
9 not be classified in category 4.

10 BY MR. ESFANDIARY:

11 Q So not classifiable, that includes  
12 chemicals that have been found to have a cancer  
13 risk. Is that your testimony, sir?

14 MR. PARISER: Objection to form.  
15 Misstates testimony.

16 THE WITNESS: No. Something that is in  
17 category 3 is not in category 4. And category 4  
18 is the only category that refers to not  
19 carcinogenic.

20 BY MR. ESFANDIARY:

21 Q That wasn't my question, sir.

22 My question was, is it your testimony  
23 that something classified in category 3 indicates  
24 a cancer risk?

25 MR. PARISER: Objection, argumentative.

1 Asked and answered.

2 THE WITNESS: I don't think -- I don't  
3 have the familiarity to understand exactly what  
4 the criteria are for category 3. But looking at  
5 the classification system here on the page, there  
6 is -- there is only one substance that is in  
7 group 4, which is the only category that is  
8 probably not carcinogenic.

9 BY MR. ESFANDIARY:

10 Q So Monsanto is okay making  
11 representations about IARC's classification system  
12 without being fully familiar as to what each of  
13 those categories entail?

14 MR. PARISER: Same objections.

15 THE WITNESS: No, that's not -- that's  
16 not what I was implying. I have -- I have  
17 colleagues, scientific colleagues who do have much  
18 more familiarity with the classifications and how  
19 substances are classified there. I was simply  
20 saying that I, in my role, don't have total  
21 familiarity with those -- with those criteria.

22 BY MR. ESFANDIARY:

23 Q Well, you testified earlier that you  
24 knew Mr. Partridge's statement to be true,  
25 correct?

1           A       Yes, that I was aware that only one  
2 substance had been -- had been classified in  
3 group 4.

4           Q       And you represented that you thought the  
5 statement to be true, whilst at the same time  
6 professing that you're not exactly clear on what  
7 each of the categories of classification used by  
8 IARC actually entails, correct?

9                   MR. PARISER:  Objection, scope.  
10 Argumentative.

11           THE WITNESS:  No, I'm saying that my  
12 understanding is the statement was true, in that  
13 Mr. Partridge was making the statement that of all  
14 of the substances and activities that IARC has  
15 classified, only one of them is in group 4.  That  
16 is consistent with my understanding.  I am not,  
17 however, intimately familiar with the specific  
18 criteria behind classification in each of the  
19 categories.

20 BY MR. ESFANDIARY:

21           Q       So you're not intimately familiar  
22 enough, in order to respond accurately to a  
23 statement that, in all other instances, IARC has  
24 found a cancer risk associated with a chemical,  
25 correct?

1 MR. PARISER: Objection to form.

2 THE WITNESS: No. I am comfortable in  
3 saying that of all of the substances that IARC has  
4 classified, which is about 1,200, there is only  
5 one that has been classified in group 4, which is  
6 probably not carcinogenic to humans.

7 BY MR. ESFANDIARY:

8 Q Regardless of your understanding of what  
9 group 3 actually means, correct?

10 MR. PARISER: Objection to form.  
11 Objection to scope.

12 THE WITNESS: Yes, because, again, it's  
13 very clear that there is only one substance in  
14 group 4.

15 BY MR. ESFANDIARY:

16 Q Now, the e-mail between Mr. Bennett and  
17 Monsanto was sent back in September of 2018,  
18 correct?

19 A Yes.

20 Q Are you familiar with the case of  
21 Johnson versus Monsanto?

22 A Yes, sir.

23 Q Are you aware that the jury in Johnson  
24 versus Monsanto awarded the plaintiff 280 million  
25 in damages --

1 MR. PARISER: Objection.

2 BY MR. ESFANDIARY:

3 Q -- as a result of exposure -- injuries  
4 arising from exposure to Roundup?

5 MR. PARISER: Objection. This is  
6 outside the scope.

7 THE WITNESS: I -- it is my  
8 understanding that the jury awarded that level of  
9 damages, and subsequently, it was reduced by -- by  
10 the judge.

11 BY MR. ESFANDIARY:

12 Q Do you know how much it was reduced to?

13 A I believe it was about 90 million.

14 Q It was 78.

15 A Okay.

16 Q And do you know when the jury verdict  
17 was handed down?

18 A I believe it was back in August.

19 Q Now, please turn your attention back to  
20 Monsanto's statement in Bennett's article. Now,  
21 this article was published after the Johnson  
22 verdict, correct?

23 A Yes. It appears this article was  
24 published on October 23rd.

25 Q In the paragraph where Mr. Partridge --

1 let's see -- I'm sorry, turn your attention to the  
2 e-mail that Mr. Bennett sent.

3 A Okay.

4 Q Oh, actually, sorry. No, in the article  
5 just above the paragraph, it's on page 4, where  
6 Mr. Partridge talks about a number of chemicals  
7 classified by IARC. He says, "'Look back at 40  
8 years of safe glyphosate use, and there are no  
9 lawsuits like this until the IARC report, which  
10 was based on no testing, no lab work, just opinion  
11 that glyphosate is probably a carcinogen. Thus  
12 manipulation and cherry-picking of data,' says  
13 Scott Partridge."

14 Do you see that?

15 A I do.

16 Q Sir, has the EPA ever conducted a lab  
17 test on glyphosate?

18 MR. PARISER: Objection to scope and  
19 foundation.

20 THE WITNESS: No, those -- the  
21 laboratory tests are conducted by registrants or  
22 by contract labs on behalf of registrants,  
23 companies like Monsanto, that produce glyphosate.  
24 And then those are submitted to the EPA.

25 BY MR. ESFANDIARY:

1 Q Has the BfR ever done a lab test on  
2 glyphosate?

3 MR. PARISER: Same objections.

4 THE WITNESS: No. My understanding  
5 there is the same, that, you know, those tests are  
6 done and submitted to the agencies for review. I  
7 do think in the case of IARC, my understanding is  
8 that many of those tests were not considered  
9 because they are not published in openly available  
10 literature.

11 BY MR. ESFANDIARY:

12 Q Are you aware that the summary of those  
13 tests is published in an article titled Grime,  
14 et al., 2015?

15 MR. PARISER: Objection.

16 THE WITNESS: Yes, I am.

17 BY MR. ESFANDIARY:

18 Q Are you aware that IARC reviewed that  
19 article and the underlying data that was presented  
20 in that article?

21 MR. PARISER: Objection to scope and  
22 form. And misstates facts.

23 THE WITNESS: My understanding is that  
24 that information was made available to the working  
25 group quite late, and that much of that data was



1 not thoroughly examined by the IARC working group.

2 BY MR. ESFANDIARY:

3 Q Do you have any basis to know how  
4 thoroughly BfR has examined the underlying data?

5 A My -- my understanding is that agencies  
6 like the BfR and the EPA review the data quite  
7 rigorously.

8 Q And who told you that, sir?

9 A That would be through my conversations  
10 with Monsanto scientists, who are familiar with  
11 the regulatory process.

12 Q You would defer to those scientists  
13 when it comes to the regulatory process, correct?

14 A Yes, in many cases -- if I had -- if I  
15 had a technical question about how that process  
16 worked, I would go to one of our scientists and  
17 ask them to help me understand it.

18 Q But you agree that none of these  
19 regulatory agencies actually, themselves, conduct  
20 lab tests on glyphosate, correct?

21 MR. PARISER: Objection, scope and  
22 foundation.

23 THE WITNESS: No. My understanding is  
24 those tests are conducted by registrants or labs  
25 working on behalf of the registrants, according to

1 regulatory guidelines that have been submitted.

2 BY MR. ESFANDIARY:

3 Q So when Mr. Partridge says that IARC's  
4 decision was based on no testing, no lab work,  
5 that equally applies to the regulatory agencies,  
6 correct?

7 A No. Because, again, here they -- the  
8 IARC was looking at a subset of the data available  
9 to the regulatory bodies. And their -- their  
10 assessment was not as rigorous or complete as the  
11 assessment by EPA, or BfR, or the other agencies.

12 Q That was not my question, sir.

13 My question was, Mr. Partridge's  
14 statement that IARC's decision was based on no lab  
15 work, that applies equally to the regulatory  
16 agencies, correct?

17 A Yes, a regulatory agency would rely on  
18 lab work that is done by a registrant, according  
19 to regulatory standards and submitted to them.

20 Q So my question to you, is,  
21 Mr. Partridge's statement that IARC's opinion that  
22 glyphosate is probably a carcinogen, that wasn't  
23 based on lab work, that equally applies to  
24 regulatory agencies, correct?

25 MR. PARISER: Objection to form.

1 THE WITNESS: Again, I -- my  
2 understanding is that, in the case of a regulatory  
3 agency, they do rely on lab work that is submitted  
4 by a registrant. And they looked at -- and EPA or  
5 BfR looks at substantially more data than IARC  
6 would have considered.

7 BY MR. ESFANDIARY:

8 Q Again, the BfR or EPA, though, does not  
9 conduct a lab test, correct?

10 A That is my understanding.

11 Q So Mr. Partridge's statement, the IARC's  
12 classification was based on no testing, no lab  
13 work, that applies to the regulatory agencies,  
14 such as the EPA, correct?

15 A Yes, the EPA would not conduct its own  
16 laboratory testing.

17 Q Thank you.

18 Is it fair to say that you coordinated  
19 much of Monsanto's response to the IARC  
20 classification of glyphosate?

21 MR. PARISER: Objection to form.

22 THE WITNESS: It would be -- excuse me,  
23 it would be fair to say, I coordinated much of our  
24 media or public affairs response. There were  
25 certainly other people involved in other aspects

1 of that work.

2 BY MR. ESFANDIARY:

3 Q But you were heavily involved in aspects  
4 of that work, correct?

5 MR. PARISER: Objection to form, vague.

6 THE WITNESS: Again, as --

7 BY MR. ESFANDIARY:

8 Q Counsel is right. That was a poor  
9 question.

10 Your -- a large part of your  
11 responsibilities at Monsanto involved media  
12 response to the 2015 IARC classification of  
13 glyphosate, correct?

14 A Yes.

15 Q Okay. I'd like to -- and you're aware  
16 that IARC announced its classification of  
17 glyphosate in March of 2015, correct?

18 A Yes.

19 Q And the Lancet article that was  
20 published carrying the initial IARC announcement  
21 of the classification of glyphosate was about  
22 March 20th, 2015?

23 A Yes.

24 Q I'd like to go back to early 2015,  
25 before IARC had classified glyphosate.

1 I'm going to -- well, before I get  
2 there, did Monsanto have a plan in place for  
3 responding to the IARC classification before the  
4 agency announced its classification in March?

5 MR. PARISER: Objection to form, vague,  
6 outside the scope.

7 THE WITNESS: Yes, I had colleagues  
8 within our corporate engagement group, who were  
9 developing a communications plan to respond once  
10 the IARC opinion became public.

11 BY MR. ESFANDIARY:

12 Q Before Monsanto knows what the  
13 classification is, correct?

14 MR. PARISER: Same objection.

15 THE WITNESS: Correct. We were -- we  
16 were aware that the working group meeting had been  
17 scheduled, and so we're developing plans for  
18 several -- several -- several scenarios.

19 MR. ESFANDIARY: I'd like to mark as  
20 exhibit number -- No. 7.

21 (Murphey Exhibit No. 7 was marked  
22 for identification.)

23 BY MR. ESFANDIARY:

24 Q There you are, sir. That's Exhibit  
25 No. 7 to your deposition.

1 MR. ESFANDIARY: And a copy for counsel.

2 There you are.

3 BY MR. ESFANDIARY:

4 Q And this is an e-mail with an  
5 accompanying attachment sent by Kimberly Link to  
6 JD Dobson, on February 27, 2015.

7 That's about, oh, less than a month or  
8 so before the IARC announced its classification,  
9 correct?

10 A Yes. If you would give me just a  
11 minute -- since I'm not on this e-mail --

12 Q Sure.

13 A -- I'd just like to read it all.

14 (Peruses document.)

15 Q And whilst you're doing that, I'm just  
16 going to read in the Bates number of the document  
17 is MONGLY04773726.

18 A Okay.

19 Q Do you recall seeing these e-mails and  
20 the attachment?

21 A No. Again, I'm not on this e-mail. So  
22 I did not receive -- receive this, or review this  
23 e-mail. I'm aware that there was a plan developed  
24 that contained many of these parts. I don't know  
25 that I ever saw this specific version of the plan.

1           Q     But you are able to competently testify  
2     about Monsanto's media response to the IARC  
3     decision, correct?

4           A     Yes.

5           MR. PARISER:  Objection to -- you need  
6     to give me a little bit of time to object.

7           THE WITNESS:  I do.  Sorry.

8     BY MR. ESFANDIARY:

9           Q     Does this document appear to have been  
10    created in the ordinary course of Monsanto's  
11    business?

12          MR. PARISER:  Object to form and  
13    foundation.  And, Counsel, I don't believe  
14    activities prior to the IARC classification are  
15    within the scope of the 30(b)(6) notice, but the  
16    witness can answer, to the extent he knows, in his  
17    personal capacity.

18          MR. ESFANDIARY:  He is going to testify  
19    about Monsanto's positions on the IARC's response  
20    related to the classification of glyphosate,  
21    whether that's before or after the classification.

22          MR. PARISER:  I'm going to maintain my  
23    objection, but he can answer, to the extent he's  
24    able to.

25          MR. ESFANDIARY:  We'll see what the

1 judge has to say.

2 BY MR. ESFANDIARY:

3 Q All right. Mr. Murphey, does this  
4 appear to have been created in the ordinary course  
5 of Monsanto's business?

6 MR. PARISER: Same objection.

7 THE WITNESS: Yes.

8 MR. ESFANDIARY: I'm going to move this  
9 document into evidence as well.

10 BY MR. ESFANDIARY:

11 Q Now, what does Ms. Kimberly Link do at  
12 Monsanto, sir?

13 A Ms. Link is -- is no longer an employee  
14 of the company. At the time, she was a member of  
15 the team within the corporate engagement group  
16 that was preparing for the IARC working group  
17 announcement.

18 Q So she was part of your corporate  
19 engagement team, correct?

20 A Yes. She didn't report to me. But,  
21 yeah, she was a part of the same corporate  
22 engagement team.

23 Q And she sends an e-mail to JD Dobson at  
24 JDDobson@Fleishman.com. Is that referring to  
25 FleishmanHillard, sir?



1 A Yes.

2 Q And we'll get to FleishmanHillard in  
3 just a little bit, but could you just give a brief  
4 explanation as to what FleishmanHillard does?

5 A FleishmanHillard is a public affairs  
6 consultancy. And they work with a number of  
7 clients, such as -- such as Monsanto, on  
8 activities involving media relations, digital or  
9 social media, stakeholder engagement, and things  
10 of that sort.

11 Q And on the first page of this document,  
12 Ms. Link says, "I just spoke with Kelly. Here is  
13 our final draft plan." Do you see that?

14 A I do.

15 Q And attached is the final draft plan.  
16 If you turn to the first page of the attachment,  
17 it is titled Monsanto Response Plan to IARC  
18 Decision, correct?

19 A Yes.

20 Q And if you look down to the subsection  
21 titled, Media, in the second paragraph, it says,  
22 "Monsanto should be prepared with reactive  
23 statements responding to a 3 finding, not  
24 classifiable as to carcinogenicity to humans, by  
25 far the most common IARC ruling at 506 out of 978

1 agents categorized."

2 Do you see that, sir?

3 A I do see that written there.

4 Q So I'm just going to stop there.

5 Monsanto was internally aware that the majority of  
6 IARC's classifications are in group 3 of  
7 non-classifiable, correct?

8 MR. PARISER: Objection to form, and  
9 foundation, and scope.

10 THE WITNESS: Yes, we were aware that  
11 there were a significant number of items that had  
12 been included in category 3.

13 BY MR. ESFANDIARY:

14 Q And Mr. Partridge didn't report to the  
15 media in his statement that the most common IARC  
16 classifications fell in group 3, correct?

17 MR. PARISER: Objection. Counsel, we've  
18 been over this line of questioning again and again  
19 and again. Asked and answered.

20 THE WITNESS: No. Mr. Partridge made  
21 the point that of the 1,200 or so items that IARC  
22 has classified, only one is in category 4.

23 BY MR. ESFANDIARY:

24 Q And all the others indicate a cancer  
25 risk?

1 MR. PARISER: Same objections.

2 BY MR. ESFANDIARY:

3 Q Correct?

4 A That all the others are in a category  
5 other than category 4.

6 Q He didn't say that, though, did he?

7 MR. PARISER: Objection, asked and  
8 answered numerous times. Counsel, we've been  
9 through this again and again.

10 BY MR. ESFANDIARY:

11 Q Mr. Partridge says that all but one.

12 MR. PARISER: This is getting to be --  
13 this is getting to be harassment.

14 BY MR. ESFANDIARY:

15 Q Correct?

16 A He said all but one are not in  
17 category 4.

18 Q And if you turn to the next page of the  
19 attachment there, under subsection social/digital,  
20 three paragraphs down, it says, "Monsanto, as a  
21 leading manufacturer of glyphosate, as a company  
22 with reputation challenges, will have a very  
23 limited credibility when speaking on the topic of  
24 glyphosate safety."

25 Do you see that, sir?

1           A       I do see that written there.

2           Q       Does Monsanto perceive itself to have  
3   limited credibility when responding to the IARC  
4   classification?

5                   MR. PARISER:  Objection to form, and  
6   scope.

7                   THE WITNESS:  No.  I think -- I think  
8   the context here is important.  And, you know,  
9   what Ms. Link was saying in this document was  
10  that, you know, Monsanto was aware that it could  
11  be a highly polarizing, you know, company.  And  
12  that it can evoke strong emotions in public  
13  conversations.  And we just needed to keep that in  
14  mind.

15                   I certainly think when it comes to our  
16  scientists and their understanding of the safety  
17  and the research that supports the safe use of  
18  glyphosate, we have -- we have a tremendous amount  
19  of credibility.  I just think Ms. Link was saying,  
20  we need to keep kind of the overarching context of  
21  Monsanto's reputation in mind as this plan was  
22  developed.

23   BY MR. ESFANDIARY:

24           Q       Ms. Link says that Monsanto "will have  
25  very limited credibility when speaking on the

1     topic of glyphosate safety," correct?

2             A       That is what she or someone appears to  
3     have written there.

4             Q       What are some of the reputation  
5     challenges facing Monsanto?

6             MR. PARISER:  Objection to scope and  
7     form, vague.

8             THE WITNESS:  I think, you know, in the  
9     current social climate, people have a fair number  
10    of questions about where their food comes, and how  
11    it's produced.  And in that context, things like  
12    genetically modified organisms, or you know,  
13    modified genetically seeds, in the case of our  
14    company, have evoked a lot of questions and  
15    emotional responses from people.

16            And for quite a while, I think Monsanto  
17    did not do enough to engage in those conversation,  
18    and to help people understand the importance and  
19    the benefits and the safety of those -- of those  
20    technologies.  And I think that, over time,  
21    created a reputational challenge that Monsanto was  
22    working to address.

23    BY MR. ESFANDIARY:

24            Q       Would some of the reputational  
25    challenges involve Monsanto's manufacture of PCBs?

1 MR. PARISER: Objection to scope.

2 THE WITNESS: That was a -- PCBs were a  
3 product of the former Monsanto Company. But, yes,  
4 on occasion, we would continue to receive --  
5 receive questions or see coverage in the media  
6 about the connection between the former Monsanto  
7 Company and PCBs.

8 BY MR. ESFANDIARY:

9 Q Would Monsanto's reputational challenges  
10 involve the manufacture of Agent Orange used in  
11 the Vietnam War?

12 MR. PARISER: Objection to form.

13 THE WITNESS: Again, that was a product  
14 of the former Monsanto Company, but we would  
15 occasionally receive questions about the former  
16 Monsanto's involvement in the production of Agent  
17 Orange, and we would work to provide accurate  
18 information about that.

19 BY MR. ESFANDIARY:

20 Q You agree that Monsanto has been  
21 Monsanto since the early 20th Century, correct,  
22 sir?

23 A The name "Monsanto" has -- has been the  
24 same. The -- the structure and the ownership of  
25 the company has changed over time, as well as the

1 company's business. You know, the Monsanto for  
2 the last 20 years of its existence was an  
3 agricultural company that did not produce the same  
4 type of chemical products that the former company  
5 did.

6 Q Part of that reason being that Roundup  
7 was hugely successful financially for Monsanto,  
8 correct?

9 MR. PARISER: Objection to scope, and  
10 form, foundation.

11 THE WITNESS: I mean, Roundup was  
12 transformative for the company and for -- and for  
13 agriculture, because of its -- because of its many  
14 benefits for our -- for our customers. And so  
15 certainly for the -- for the Monsanto agricultural  
16 company, Roundup was a very -- a very important  
17 product.

18 BY MR. ESFANDIARY:

19 Q Take a look at the first page of the  
20 attachment there, under the main heading. It  
21 says, "On mainstream media, social media, and  
22 employee communications, we recommend an approach  
23 that seeks to include Monsanto's voice in the  
24 conversation about IARC and glyphosate, but as  
25 much as possible, defer to other positive voices

1 from industry, academia, and elsewhere."

2 Do you see that, sir?

3 A I do see that.

4 Q Does Monsanto prefer to defer to  
5 third-party voices when responding to the IARC  
6 classification, because of the company's  
7 reputational problems?

8 A No, I think it largely depends on  
9 context. Monsanto certainly expressed its views  
10 about the IARC opinion in a -- in a number of  
11 forums. We felt very strongly that the IARC  
12 opinion was incorrect, and was an outlier from the  
13 conclusions of the EPA, and EFSA, and regulatory  
14 bodies around the world.

15 And so we were very forthright in our  
16 statement about -- about our opinions, and about  
17 the science. You know, we certainly did reach out  
18 to others who care about glyphosate, whether  
19 that's in academia, or within agriculture, to  
20 inform them about the classification. We were  
21 pleased to see that many of them shared our  
22 concerns, and raised their voices as well. But  
23 we -- we certainly did not defer to them  
24 exclusively. We were very forthright with our  
25 views.



1           Q       Ms. Link says that Monsanto should be  
2     deferring to these third parties as much as  
3     possible, correct?

4                   MR. PARISER:  Objection, Foundation,  
5     scope.

6                   THE WITNESS:  That's -- that's what's  
7     written in - in this particular document.

8     BY MR. ESFANDIARY:

9           Q       So Monsanto's -- part of Monsanto's  
10    plan, in responding to IARC, was to get its  
11    messages -- get Monsanto's messages regarding the  
12    IARC classification out there, but ideally, at an  
13    arm's-length from Monsanto, correct?

14                  MR. PARISER:  Objection to form.

15                  THE WITNESS:  That's what's written  
16    in -- you know, in this document, as much as -- as  
17    much as possible.  This -- this document is a  
18    reflection of the view -- views of one plan at one  
19    point in time.

20                  As we moved forward, after the IARC  
21    classification, again, we were very forthright in  
22    engaging with agriculture groups, engaging with  
23    reporters, engaging on social media, to share --  
24    to share the company's views.  We -- you know, we  
25    kept our -- we kept agriculture groups and others

1 informed. We were pleased that many of them  
2 continued to speak out as well about what they saw  
3 as an inaccurate classification. But Monsanto was  
4 always very, again, I'll just -- very forthright  
5 in sharing our views about the classification.

6 BY MR. ESFANDIARY:

7 Q Let me just break that down a little  
8 bit. In the first part of your answer, you  
9 mentioned that this is just an initial plan, and  
10 this was generated before the IARC classification.

11 I'd just like to turn your attention to  
12 Ms. Link's second sentence there. She says, "Best  
13 case scenario is that these other voices take on  
14 the bulk of the communication about IARC and  
15 glyphosate."

16 So Monsanto's ultimate goal was to  
17 ensure that the majority of its messaging  
18 regarding IARC was issued through the third  
19 parties, correct?

20 MR. PARISER: Objection to scope, form,  
21 and foundation.

22 THE WITNESS: Again, that's what's  
23 written in one plan at one point in time.

24 BY MR. ESFANDIARY:

25 Q Do you have any reason to believe that

1 Monsanto did not try to achieve this goal?

2 A I think, over the -- over the course of  
3 time, we took a very proactive stance in our -- in  
4 our communications about the -- about the IARC  
5 opinion. Again, other organizations certainly  
6 weighed in as well. But we -- we were  
7 deliberately very proactive in defending the  
8 safety and the benefits of our product. We're  
9 very proud of Roundup, and its history of safe  
10 use. And we were very proactive in communicating  
11 and sharing information about that.

12 Q Right. In an effort to live up to  
13 Monsanto's pride of Roundup, would it be important  
14 for the company to defend the product, ideally,  
15 through third parties, so as such not to raise  
16 some of these reputational challenges identified  
17 by Ms. Link in this plan, correct?

18 MR. PARISER: Objection to form.

19 THE WITNESS: No, I -- I don't agree  
20 with that characterization. Third-party  
21 engagement was an element in the plan. But  
22 Monsanto did take, and continues to take, a very  
23 front-footed position in helping engage with  
24 reporters, stakeholders, and society at large, to  
25 explain our views about the safety of the product.

1 BY MR. ESFANDIARY:

2 Q Now, at the time of generating this  
3 response plan, Monsanto had not yet read the IARC  
4 monograph on glyphosate, correct?

5 A That's correct. And that's why you'll  
6 see multiple scenarios in the -- in the document.

7 Q If you turn to page 5 of the attachment,  
8 there is an anticipated timeline subsection there.  
9 And below the anticipated -- anticipated timeline,  
10 it says, "February 27th," and that's, again,  
11 before the IARC monograph, correct?

12 A Correct.

13 Q It says, "Henry Miller Forbes piece is  
14 published. Monsanto amplifies via third-party  
15 channels." Do you see that, sir?

16 A I do.

17 Q Do you know who Henry Miller is?

18 A I do.

19 Q Have you worked with him?

20 A I've never personally directly met  
21 Dr. Miller, no.

22 Q You've e-mailed him, though, correct?

23 A No.

24 Q Have you sent e-mails to your colleagues  
25 at Monsanto that you then expected or understood

1 to be forwarded to Mr. Miller?

2 A Yes.

3 Q Did Monsanto coordinate with Mr. Miller  
4 in publishing an article on IARC before the  
5 decision?

6 MR. PARISER: Objection to scope,  
7 foundation.

8 THE WITNESS: That is listed here in the  
9 anticipated timeline. I don't recall whether  
10 there was a piece specifically prior to the  
11 classification announcement or not.

12 BY MR. ESFANDIARY:

13 Q Are you aware that Mr. Miller's  
14 articles, though published on Forbes' website,  
15 have been retracted by the -- by the journal?

16 MR. PARISER: Objection to form.

17 THE WITNESS: I -- I understand that the  
18 pieces have been taken down. I think we need to  
19 be clear about what the Forbes website is. I  
20 wouldn't say -- it's not an academic journal, or a  
21 scholarly journal. It's -- it's a website where  
22 Dr. Miller was an opinion contributor.

23 BY MR. ESFANDIARY:

24 Q Do you -- are you aware that Forbes'  
25 reason for pulling down Dr. Miller's articles was

1     undisclosed conflict of interest with Monsanto  
2     Company?

3                   MR. PARISER:  Object to the scope of all  
4     this questioning, and foundation.

5                   THE WITNESS:  I can't speak to the  
6     specific -- the specific reasons given by Forbes,  
7     but again, I'm aware that the opinion pieces were  
8     taken down.

9     BY MR. ESFANDIARY:

10            Q     All right.  If you turn back to -- turn  
11     back a page to page 4.  I'm sorry, I know the  
12     pages aren't numbered.  It's a bit tricky.

13            A     It's okay.

14            Q     In the paragraph -- the second paragraph  
15     down from the top, "GMO answers and  
16     Discover.Monsanto.com," it says, "Canned text  
17     responses should be developed in advance for  
18     responding to questions specifically about IARC's  
19     ruling."  Do you see that, sir?

20            A     I do.

21            Q     So in advance of IARC's ruling, Monsanto  
22     was -- had preprepared -- or it had canned  
23     statements ready about the classification,  
24     correct?

25                   MR. PARISER:  Objection to scope.

1 THE WITNESS: Within this context, I  
2 think, you know, that the plan is simply saying  
3 that a template or draft responses should be --  
4 should be prepared in advance. So whether it was  
5 on the Discover Monsanto website, or the GMO  
6 Answers website, which is an industry website,  
7 those statements could be prepared and ready to go  
8 as quickly as possible.

9 BY MR. ESFANDIARY:

10 Q A canned response, though, is a type of  
11 response that you would give to questions,  
12 regardless of what the question is seeking to --  
13 seeking an answer to, correct? You're giving the  
14 same response?

15 A That's not my understanding of the word  
16 in this -- in this context.

17 Again, here, this is a preparedness  
18 plan, talking about different -- different  
19 channels that would be used at the time the  
20 opinion came out. And so I think, in this case,  
21 "canned" would mean more like a draft or  
22 preprepared.

23 Q It doesn't say "draft," though, does it?  
24 It says "canned."

25 A And I'm just -- I'm explaining to you my

1 understanding, based on the context in this  
2 document, of what that word would mean.

3           Q     You agree that the word "draft" could  
4     have been used to explain the concept that you  
5     just did in this document, correct?

6 MR. PARISER: Objection, scope,  
7 foundation, argumentative.

8 THE WITNESS: Yes, in my understanding  
9 of how the word is used here, "draft" would have  
10 been an alternative word that could have been  
11 used.

12 BY MR. ESFANDIARY:

13 Q Was it Monsanto's intention to  
14 orchestrate an outcry with the IARC decision?

15 MR. PARISER: Objection to form and  
16 scope.

17 THE WITNESS: No, that's not how I would  
18 characterize what our approach was at the time. I  
19 would say our approach would have been to inform  
20 stakeholders, to share information with them, to  
21 invite them, and encourage them even to speak out.

22 I'm aware that that characterization has  
23 been used in certain documents, but it's not how I  
24 would characterize our approach.



[illegible]





- [illegible]















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[illegible]



































■ [REDACTED]  
■ [REDACTED]  
■ [REDACTED]  
■ [REDACTED]  
■ [REDACTED]

6 BY MR. ESFANDIARY:

7 Q So let's take a look at a document of  
8 what Monsanto had to say before the lawsuit was  
9 filed.

10 (Murphey Exhibit No. 9 was marked  
11 for identification.)

12 BY MR. ESFANDIARY:

13 Q I want to mark as Exhibit No. 9 to your  
14 deposition, sir --

15 Now, this is a document produced by  
16 Monsanto in this litigation. The Bates number is  
17 MONGLY03316369. It's called "IARC Follow Up."  
18 And if you turn to the metadata at the end of the  
19 document, it identifies its date of creation as  
20 July 6th, 2015.

21 Have you seen this document before, sir?

22 A Let me just orient myself real quick.

23 (Peruses document.)

24 Yes, I've -- I've seen this document  
25 before.



1 Q Okay. Does it appear to have been  
2 created in the ordinary course of Monsanto's  
3 business?

4 MR. PARISER: Objection, foundation and  
5 form.

6 THE WITNESS: Yes, I believe it was.

7 MR. ESFANDIARY: I'll move this into  
8 evidence.

9 BY MR. ESFANDIARY:

10 Q Here it says, "goals." And number (d)  
11 says, "Invalidate relevance of IARC." Do you see  
12 that, sir?

13 A I -- I do see it written there.

14 MR. PARISER: Objection, foundation.

15 BY MR. ESFANDIARY:

16 Q So in July of 2015, a couple of months  
17 after IARC had announced its classification,  
18 Monsanto's goal was to invalidate the relevance of  
19 IARC, correct?

20 MR. PARISER: Again, objection to scope,  
21 objection to form, objection to foundation.

22 I'd also note, the document states that  
23 it's attorney work product, attorney-client  
24 privilege. I don't know the full context of this  
25 document.

1 MR. ESFANDIARY: It was shown in open  
2 court.

3 MR. PARISER: Okay. Thank you for that  
4 clarification. This was an exhibit in the Johnson  
5 case?

6 MR. ESFANDIARY: Yeah.

7 MR. PARISER: Thank you.

8 THE WITNESS: So I see the point written  
9 there. I think the context around it is  
10 important, where it's talking about the  
11 retraction -- you know, the need for retraction,  
12 clarification, minimization, you know, preventing  
13 future bad decisions on other -- on other  
14 products. I think in that overarching context,  
15 that helps clarify what -- you know, what the  
16 author of the document was suggesting.

17 BY MR. ESFANDIARY:

18 Q But at the time of when this document  
19 was created, after Monsanto finds out about the  
20 IARC decision, the company's plan was to eliminate  
21 or invalidate the relevance of IARC, correct?

22 MR. PARISER: Objection, misstates  
23 evidence, form.

24 THE WITNESS: No. I mean, we did -- we  
25 did ask, and have asked for the opinion to be --

1 to be clarified. We've asked for it to be, you  
2 know, retracted. We have raised questions, you  
3 know, about how IARC arrived at a conclusion that  
4 is very inconsistent from regulatory bodies  
5 around -- around the world. And I think that's  
6 what's reflected by the overarching goal number 1  
7 here.

8 BY MR. ESFANDIARY:

9 Q I understand that's the answer that  
10 you're giving now. But internally, in July of  
11 2015, Monsanto identifies as a goal, as the  
12 company's goal, to invalidate the relevance of  
13 IARC, correct?

14 MR. PARISER: Same objections.

15 THE WITNESS: That is -- that is written  
16 here, among several other points.

17 BY MR. ESFANDIARY:

18 Q Including the one to retract the IARC  
19 decision, correct?

20 A Yes.

21 Q Number 3 there at the bottom says,  
22 "Litigation prevention/defense." Do you see that,  
23 sir?

24 A I do.

25 Q Who is McClain?

1           A       Mr. McClain was part of the Monsanto law  
2     department at this time.

3           Q       Now, would -- did Monsanto believe that  
4     invalidating the relevance of the IARC decision  
5     would help with its litigation defense?

6           MR. PARISER:  Objection to scope,  
7     objection to form, and -- to the extent he's  
8     asking you about opinions with lawyers, or rather,  
9     discussions with lawyers --

10          MR. ESFANDIARY:  I'm not.

11          MR. PARISER:  -- I'd instruct you not to  
12     answer.  If you can answer the question without  
13     doing so, you may.

14          THE WITNESS:  I do think that, you know,  
15     Monsanto was aware at the time that litigation  
16     was -- was likely.  And so I think that's why that  
17     was listed as a goal -- as a goal there.  You  
18     know, as to whether, you know, the work around  
19     retraction and clarification would be important to  
20     the litigation, I don't think I'm competent to  
21     answer that.

22     BY MR. ESFANDIARY:

23          Q       Number 2 says, "Protect regulatory  
24     freedom to operate."  Do you see that?

25          A       I do.

1 Q And underneath that, it says,  
2 "Re-registration. No ban/restrictions. Prop 65."  
3 Are you familiar with Prop 65?

4 A I am.

5 Q Do you understand Prop 65 to entail the  
6 State of California's initiative to identify  
7 glyphosate as a chemical known to the state to  
8 cause cancer?

9 MR. PARISER: Objection to form, and  
10 this is outside the scope.

11 THE WITNESS: Yes. My -- my  
12 understanding is that, on the basis of the IARC  
13 opinion of glyphosate, the State of California  
14 proceeded to add glyphosate to its Proposition 65  
15 list.

16 BY MR. ESFANDIARY:

17 Q So invalidating the relevance of IARC  
18 would assist Monsanto's efforts in preventing a  
19 Prop 65 listing from occurring, correct?

20 MR. PARISER: Same objections.

21 THE WITNESS: My -- okay. My  
22 understanding is the sole -- the sole basis of the  
23 Proposition 65 listing is the IARC opinion. And  
24 that is even counter to the State of California's  
25 own prior assessments that glyphosate is -- is not

1     carcinogenic.

2     BY MR. ESFANDIARY:

3             Q     Sir, that wasn't my question. That was  
4     not responsive to my question at all.

5             My question to you was, was invalidating  
6     the relevance of IARC a part of Monsanto's efforts  
7     in ensuring that there would be no Prop 65 listing  
8     of glyphosate in California?

9             MR. PARISER: Same objections.

10            THE WITNESS: We certainly disagree with  
11     the Proposition 65 listing, yes. We took legal  
12     action to try to prevent that listing, because we  
13     don't see -- we don't believe the IARC opinion to  
14     be correct, and we don't believe that it should be  
15     the basis for the listing.

16     BY MR. ESFANDIARY:

17            Q     And invalidating the relevance of IARC  
18     would assist Monsanto in ensuring that glyphosate  
19     would not be listed pursuant to Prop 65, correct?

20            MR. PARISER: Same objections, and  
21     foundation, asked and answered.

22            THE WITNESS: I -- I mean, the decision  
23     of whether or not, ultimately, to -- to keep  
24     glyphosate on the Proposition 65 list is outside  
25     of Monsanto's control. That's a decision in the

1 hands of the state and the courts.

2 What we felt was important to -- was to  
3 provide context around that listing, and context  
4 around the IARC -- the IARC opinion as the basis  
5 for that listing, because, again, we -- we  
6 disagree with the IARC opinion. We disagree with  
7 the listing.

8 BY MR. ESFANDIARY:

9 Q Providing context, would that include  
10 invalidating the relevance of IARC?

11 MR. PARISER: Same objections.

12 THE WITNESS: That would include raising  
13 questions about the relevance of IARC. It would  
14 include raising questions about the IARC process.  
15 It would include clarification, you know, and  
16 preventing future bad decisions, all of which are  
17 listed there.

18 BY MR. ESFANDIARY:

19 Q Do you know if, at this point in time,  
20 this document was created in July 2015, whether  
21 IARC had published it's monograph yet?

22 A I would have to look at the specific  
23 dates. I believe it was sometime that summer when  
24 the monograph was published. I don't remember the  
25 exact date, though.

1           Q     You understand the monograph to be a  
2     comprehensive document, spanning about 90 pages or  
3     so, correct?

4           MR. PARISER:  Objection to form.

5           THE WITNESS:  I don't recall the  
6     specific length, but if -- it wouldn't surprise me  
7     if about 90 pages is correct.

8     BY MR. ESFANDIARY:

9           Q     Have you read it?

10          A     I have read pieces of it.  I have not  
11     read the entire thing.

12          Q     Okay.  And do you agree that, in order  
13     to be able to criticize the IARC decision with a  
14     grounding in fact, you would, in fact, need to  
15     read the IARC monograph?

16          MR. PARISER:  Objection to scope.

17          THE WITNESS:  No, I disagree with that.  
18     I think there are pieces of the monograph that are  
19     fairly accessible to a lay reader like -- like me.  
20     There are other pieces, where it was far more  
21     helpful to sit with our Monsanto scientists, who  
22     have, you know, doctoral degrees in various  
23     scientific fields, and talk through the opinions  
24     in the monograph directly with them.

25                 I wanted to make sure I had a good



1 understanding. And so I think having those --  
2 having those conversations, and asking questions  
3 of our scientists was much more helpful to me than  
4 trying to figure it all out on my own.

5 BY MR. ESFANDIARY:

6 Q So if -- did you have a conversation  
7 with Bill Heydens about the IARC classification?

8 A Among others, yes.

9 Q And -- scratch that.

10 Did you form an opinion, when you read  
11 pieces of the IARC monograph, that IARC was indeed  
12 irrelevant?

13 MR. PARISER: Objection to form and  
14 scope.

15 THE WITNESS: I formed my opinion --  
16 yes, in part, through some of the reading on my  
17 own. But I think the conversations with our  
18 Monsanto scientists, who are experts in their  
19 various fields, I think that was much more helpful  
20 to me in understanding the context of the IARC  
21 opinion. And that it was a -- was and is a  
22 complete outlier from regulatory agencies.

23 BY MR. ESFANDIARY:

24 Q And at the time this document was  
25 created, Monsanto perceived IARC to have relevance

1 in the scientific community, such that it needed  
2 to invalidate that relevance, correct?

3 MR. PARISER: Objection, form,  
4 foundation, asked and answered.

5 THE WITNESS: I don't -- I don't think I  
6 can provide further context to what's written here  
7 on -- on the paper, that, you know, that there  
8 was -- there was a call for retraction. There  
9 were calls for clarification. You know, but I  
10 wouldn't want to speculate on any additional  
11 context.

12 MR. ESFANDIARY: Mark as Exhibit No. 10.  
13 (Murphey Exhibit No. 10 was marked  
14 for identification.)

15 BY MR. ESFANDIARY:

16 Q Sir, this is an e-mail from Ms. Link  
17 dated February 12th, 2015. It's about a month  
18 before the IARC classification. The subject is,  
19 Revised IARC Reactive Messaging, and the Bates  
20 number is MONGLY01021708.

21 Have you seen this document before?

22 A Yes.

23 Q Okay. And Ms. Link says, "Attached  
24 please find revised messaging for IARC." Do you  
25 see that?

1           A       I do.

2           Q       And if you turn to the attachment 70 --  
3       ending in Bates number 709, draft, February 12th,  
4       2015, "Glyphosate key talking points following  
5       IARC's decision. This component represents the  
6       orchestrated outcry that could occur following the  
7       March 3 to 10th IARC monograph expert meeting."  
8       Do you see that, sir?

9                   MR. PARISER: And please give the  
10       witness ample time to review the document before  
11       he answers questions about it.

12                   THE WITNESS: (Peruses document.)

13                   Yes, I -- I see the sentence you're  
14       referring to.

15       BY MR. ESFANDIARY:

16           Q       So now we have two plans created leading  
17       up to the IARC classification, where Monsanto  
18       identifies its efforts in responding to the IARC  
19       classification as entailing an orchestrated  
20       outcry, correct?

21                   MR. PARISER: Objection to scope,  
22       foundation.

23                   THE WITNESS: No, I think this -- this  
24       document is really just a set of key talking  
25       points that would be shared with various groups as

1 part of preparation for the IARC opinion to be  
2 published. Then whether those groups actually  
3 used any of these points, or issued any  
4 communications, or responded to any inquiries  
5 would be their decision to make.

6 BY MR. ESFANDIARY:

7 Q I wasn't asking about those groups. I  
8 was asking about Monsanto's plan, where it's  
9 identified, this component represents the  
10 orchestrated outcry that could follow -- that  
11 "could occur following the March 3 to 10th IARC  
12 monograph expert meeting."

13 And my question to you, sir, was, we've  
14 now looked at two documents, where Monsanto  
15 characterizes its efforts in responding to IARC as  
16 creating an orchestrated outcry, correct?

17 MR. PARISER: Objection to scope, and  
18 objection, asked and answered. He's addressed  
19 this language in numerous previous questions.

20 THE WITNESS: Yes, this is the second  
21 document that uses those -- uses those particular  
22 words. But again, I -- I think this is a set of  
23 talking points, or actually, several sets of  
24 talking points that would be provided to different  
25 groups for their review, and to use, whether they

1 chose to do so or not.

2 BY MR. ESFANDIARY:

3 Q So we have employees in the Monsanto  
4 Corporation using the term "orchestrated outcry"  
5 to refer to the efforts across two documents, but  
6 here today now, you're saying that that's not  
7 actually what happened.

8 MR. PARISER: Objection to scope, form,  
9 foundation, asked and answered.

10 THE WITNESS: No, what I'm -- what I  
11 have explained in several responses now, is that  
12 the -- the efforts that Monsanto undertook, after  
13 the IARC opinion was published, involved, yes,  
14 engagement with third parties to provide  
15 information, share talking points, and other  
16 resources. But then outreach to the media, to  
17 ensure balance and accuracy, and the right context  
18 and perspective on the science in -- in their  
19 coverage of -- of our product.

20 BY MR. ESFANDIARY:

21 Q Sir, you use words like "balance,"  
22 "accuracy," so forth. I have not seen a single  
23 one of the words that you identified in any  
24 Monsanto plan that we have looked at today.

25 MR. PARISER: Objection to form. Is

1     that a question?

2     BY MR. ESFANDIARY:

3             Q     Correct?

4             A     In the -- in the ten or so documents  
5     today, I don't recall seeing those specific --  
6     those specific words, but I can tell you, when I  
7     have conversations with my colleagues, we often  
8     are discussing our goal to strive -- to strive for  
9     balance in -- in reporting about our company and  
10    about our products.

11            Q     You're telling me that -- to me now, but  
12    your colleagues, in plan after plan, are talking  
13    about orchestrating an outcry with the IARC  
14    decision, correct?

15            MR. PARISER:  Objection to form, scope,  
16    and foundation.

17            THE WITNESS:  Yes, we've looked at two  
18    documents where -- where that particular wording  
19    has -- has been used.

20            And again, in the context of this  
21    particular document, what -- what I'm explaining  
22    is that these were talking points that were  
23    developed and shared.  And then the individual  
24    groups were free to adopt them, to discard them,  
25    you know, whatever they chose to do.

1 BY MR. ESFANDIARY:

2 Q If you look at the key industry points  
3 here, and it's talking about a 2B decision. And  
4 that it's -- a 2B decision would be a possible  
5 carcinogen, correct?

6 A Yes, that's what 2B would have meant.

7 Q 2A is probable human carcinogen, which  
8 is what glyphosate was -- glyphosate was  
9 categorized in, and 2B is a possible carcinogen,  
10 correct?

11 A That's my understanding.

12 Q And it says here that the  
13 classification -- the 2B calculation does not  
14 establish a link between glyphosate and an  
15 increase in cancer. Possible simply means not  
16 impossible. Sir, what does "probable" mean?

17 MR. PARISER: Objection to form and to  
18 scope.

19 THE WITNESS: I would need to see a  
20 document from IARC that explains exactly what that  
21 means.

22 BY MR. ESFANDIARY:

23 Q Well, what would Monsanto's  
24 interpretation of "probable" be, given that  
25 Monsanto is giving its interpretation of

1 "possible" in this document?

2 MR. PARISER: Objection, outside the  
3 scope, foundation.

4 THE WITNESS: I -- I don't know exactly  
5 what the author of this document based that  
6 definition on, and so I really would feel like I  
7 would just be speculating if I -- if I gave you  
8 something without the -- without looking at an  
9 IARC document as a reference point.

10 BY MR. ESFANDIARY:

11 Q You agree that this definition given by  
12 Monsanto in this document as to "possible" is not  
13 the IARC definition of "possible," correct?

14 MR. PARISER: Same objections.

15 THE WITNESS: I don't know. I don't  
16 know that, one way or the other.

17 BY MR. ESFANDIARY:

18 Q On a basic level of denotation, you  
19 agree with me that probable means likely?

20 MR. PARISER: Objection to form and  
21 scope.

22 THE WITNESS: I -- I think -- yeah --

23 BY MR. ESFANDIARY:

24 Q It's a silly question. Never mind.

25 MR. PARISER: Are you going to withdraw



1 the question?

2 MR. ESFANDIARY: I'm going to withdraw  
3 the question.

4 THE WITNESS: Thank you.

5 MR. KRISTAL: I thought that was the  
6 best question all day.

7 MR. ESFANDIARY: Thank you for your  
8 faith in me, Jerry.

9 MR. PARISER: I'm trying not to comment.  
10 (Murphey Exhibit No. 11 was marked  
11 for identification.)

12 BY MR. ESFANDIARY:

13 Q All right. Mr. Murphey, let's take a  
14 look at this one. It's MONGLY00866643. And it  
15 says, "Issues Plan, Farm Aid/Neil Young, Draft -  
16 Updated September 16, 2015."

17 Do you see that, sir?

18 A I do see that.

19 Q Have you seen this document before?

20 A I believe I have, but I'd like to take a  
21 minute to familiarize myself again with it,  
22 please.

23 Q Sure.

24 A (Peruses document.) Okay.

25 Q Does it appear to have been created in

1 the ordinary course of Monsanto business?

2 MR. PARISER: Objection to form.

3 THE WITNESS: Yes.

4 MR. PARISER: Foundation.

5 MR. ESFANDIARY: I'll move this into  
6 evidence as well.

7 BY MR. ESFANDIARY:

8 Q If you would please turn to page ending  
9 in 648. And it says, in the middle of the page,  
10 it says, "IARC," is the heading, messages from  
11 July 14th, 2015, Issue Alert. And it says, "Any  
12 time someone claims to have found a safety issue  
13 with one of our products, we take it very  
14 seriously and review their evidence closely. We  
15 will do the same with the IARC monograph."

16 Do you see that, sir?

17 A Yes.

18 Q And we saw earlier that even before  
19 Monsanto had read the monograph, Monsanto was  
20 planning rebuttal messages in response to the  
21 classification, correct?

22 MR. PARISER: Objection to form, scope,  
23 foundation.

24 THE WITNESS: Yes. Monsanto employees  
25 were preparing for multiple scenarios in advance,

1 knowing that there could -- that IARC could  
2 classify the product in one of -- any of its  
3 different categories. And so different scenarios  
4 were planned then.

5 And then several months before this  
6 document, in March, when the opinion came out, the  
7 Lancet piece, you know, at a high level, began to  
8 explain the opinion. And so Monsanto scientists  
9 were, you know, throughout that process, gaining a  
10 deeper understanding of -- of the IARC -- the IARC  
11 conclusion.

12 BY MR. ESFANDIARY:

13 Q My question -- my question is about, in  
14 the plans that Monsanto prepared prior to even  
15 seeing the monograph, Monsanto is talking about  
16 rebutting -- neutralizing the IARC decision.

17 My question to you is, can Monsanto talk  
18 about IARC or criticize IARC in an informed way,  
19 without having read the monograph yet?

20 MR. PARISER: Objection to form, scope.

21 THE WITNESS: Yes. Monsanto scientists  
22 have a deep familiarity with the data behind --  
23 behind glyphosate, the extensive data that shows  
24 that glyphosate can be used safely, and that it's  
25 not a carcinogen.

1                   And so at a fundamental level, you know,  
2   our scientists already knew that a classification,  
3   you know, in anything other than probably not  
4   carcinogenic would be inconsistent with that  
5   overwhelming scientific evidence, and inconsistent  
6   with the conclusions of the EPA and regulators  
7   around the world.

8                   So I think we were very confident, based  
9   on -- based on that knowledge that our scientists  
10  have, in developing those scenarios. And then  
11  certainly as our scientists reviewed the  
12  monograph, we got a deeper understanding of those  
13  deficiencies with its opinion.

14  BY MR. ESFANDIARY:

15               Q     So I'm just going to break down what you  
16  said. You said that Monsanto has already made up  
17  its mind about the scientific data before having  
18  even seen it.

19               MR. PARISER:  Objection,  
20  mischaracterizes testimony, and incomplete  
21  characterization of testimony.

22               THE WITNESS:  Yes, in -- in this  
23  context, you know, where you're talking about an  
24  agency that was -- in IARC, that was looking at a  
25  subset of the data, after glyphosate and

1 glyphosate-based products had been on the market  
2 for 40 years, our scientists were very familiar,  
3 you know, they're experts in the safety of -- in  
4 the safety of this product.

5                   And certainly as new -- as new  
6 scientific claims come to the front, they do --  
7 they look at them, they analyze them. They  
8 certainly did that here with, you know, with the  
9 IARC monograph. But they -- they were confident  
10 in their knowledge that a classification of  
11 glyphosate in category 2A or 2B, again, anything  
12 but probably not carcinogenic, would not be  
13 accurate.

14               Q     You would agree with me that science is  
15 an ever-evolving process?

16                   MR. PARISER: Objection, vague, outside  
17 the scope.

18                   THE WITNESS: I -- I do. My  
19 understanding, again, based on, you know,  
20 conversations with scientists is, yes, it is -- it  
21 is ever-evolving.

22 BY MR. ESFANDIARY:

23               Q     So --

24               A     But in the context of the IARC  
25 monograph, IARC hadn't looked at anything new.

1 The data -- the data that IARC examined had  
2 already been looked at by the EPA and regulatory  
3 bodies around the world on multiple occasions.

4 Q So your testimony is that despite  
5 science being an ever-evolving process, it's  
6 appropriate for Monsanto to make its mind up about  
7 a piece of scientific data without having first  
8 seen it?

9 MR. PARISER: Objection to scope,  
10 misstates testimony.

11 BY MR. ESFANDIARY:

12 Q Correct?

13 A Yes. In the context of this -- the IARC  
14 monograph, which didn't look at new data, which  
15 only looked at a subset of what EPA and other  
16 regulators around the world had already examined  
17 in the course of their conclusions that glyphosate  
18 is not carcinogenic, I think our scientists  
19 were -- were very confident in quickly assessing  
20 that the IARC opinion was flawed. And their --  
21 that assessment evolved over time, as we got  
22 additional information. But we knew -- yes, we  
23 knew before the IARC announcement that a  
24 classification of glyphosate in any category but  
25 probably not carcinogenic would not be accurate.

1           Q     Well, you say here that Monsanto takes  
2     new scientific claims very seriously and will  
3     closely look at the IARC monograph.

4           A     Yes.

5           Q     Right? And at the same time, you say,  
6     Monsanto made up its mind before seeing the  
7     monograph as to what IARC's -- IARC's conclusion  
8     would entail.

9                     MR. PARISER:  Objection to --  
10    BY MR. ESFANDIARY:

11          Q     Correct?

12                  MR. PARISER:  Objection to scope,  
13    argumentative.

14                  THE WITNESS:  I'd say we had an -- had  
15    an initial assessment of the deficiencies with the  
16    IARC opinion that was -- that was refined over  
17    time.  Again, our science -- our scientists who  
18    were -- with whom I was having these conversations  
19    have studied glyphosate for many, many years.  You  
20    know, they had a tremendous amount of  
21    understanding and context of the product -- the  
22    product already.

23                  You know, they were already of the  
24    conclusion that glyphosate was not carcinogenic.  
25    So when the IARC opinion came out, and was such an

1 outlier, you know, so divergent from the  
2 conclusions of the USEPA and EFSA, and regulators  
3 around the world, our scientists were very quickly  
4 able to say, that is not consistent.

5 And then as the monograph later became  
6 available, certainly they did a very thorough  
7 assessment of it, to try to understand in even  
8 more detail how IARC came to this complete outlier  
9 conclusion.

10 BY MR. ESFANDIARY:

11 Q All these scientists that you spoke to  
12 at Monsanto are employed by Monsanto, correct?

13 A Correct.

14 Q They all have a vested interest in the  
15 product, Roundup, correct?

16 MR. PARISER: Objection to form and  
17 scope.

18 THE WITNESS: Yes, they are employees of  
19 the company. I think they're also incredibly  
20 well-educated, incredibly passionate scientists,  
21 who care very deeply about what they do. You  
22 know, they care very deeply about safety. And I  
23 have absolutely no reason to question the  
24 information they've shared with me.

25 BY MR. ESFANDIARY:



1           Q     You know of absolutely no reason to  
2     question the information they shared with you?

3           A     Right, I am confident -- I'm confident  
4     in their scientific assessment, and very  
5     comfortable, you know, that they have been able to  
6     thoroughly and clearly explain things to me.

7           Q     Are you aware that when the IARC  
8     monograph was published, over a hundred scientists  
9     published an article setting forth their agreement  
10    with the IARC methods and classification?

11           MR. PARISER:  Objection to scope.

12           THE WITNESS:  I -- I am aware that,  
13    yeah, sometime after the -- after the IARC opinion  
14    came out, there was such a letter.  I forget  
15    exactly how many scientists signed on to the --  
16    signed on to the document.

17    BY MR. ESFANDIARY:

18           Q     You say in here, "glyphosate is not a  
19    carcinogen."  Do you agree with me there's a  
20    difference between glyphosate and Roundup?

21           MR. PARISER:  Objection to scope.

22           THE WITNESS:  Yes.  Yes, glyphosate is  
23    the active ingredient.  A Roundup-branded product  
24    would be an example of a formulated product.

25    BY MR. ESFANDIARY:

1           Q     Can Monsanto say that Roundup is not a  
2     carcinogen?

3           MR. PARISER:  Objection to form.  
4     Objection to scope.

5           THE WITNESS:  There's a -- there's a  
6     tremendous amount of evidence that makes us very  
7     confident that Roundup -- Roundup-branded  
8     products, or other glyphosate formulations, are  
9     not carcinogenic.  
10    BY MR. ESFANDIARY:

11          Q     So Monsanto is comfortable stating to  
12     the world that glyphosate-based formulations are  
13     not carcinogenic?

14          MR. PARISER:  Same objections.

15          THE WITNESS:  Yes.  And I think that  
16     that assessment would hinge on multiple types of  
17     data, including, for instance, the U.S.  
18     Agricultural Health Study, the largest study that  
19     ever -- has ever looked at any connection between  
20     glyphosate, glyphosate-based products, and cancer.  
21    BY MR. ESFANDIARY:

22          Q     I would just quickly like to go back to  
23     the previous exhibit there, sir.

24          A     Okay.

25          Q     Just one last --

1           A       No. 10?

2           Q       Yes, please. At the top of the page, on  
3 the first page of the attachment there, it says,  
4 "The proposed approach suggests industry  
5 associations and credible third parties lead, and  
6 Monsanto plays a secondary role to defend its  
7 Roundup brand." Do you see that, sir?

8           A       I do see that written there.

9           Q       So Monsanto wanted the primary  
10 information -- the primary source of the  
11 information regarding Roundup safety to come from  
12 third parties, not itself, correct?

13                   MR. PARISER: Objection to foundation,  
14 and form, and asked and answered -- this whole  
15 line of questioning is asked and answered.

16                   THE WITNESS: Yes, I -- I see that  
17 that's what's written in the plan here. I think  
18 this is a plan that reflects thinking at one point  
19 in time. Again, this document is from  
20 mid-February of 2015.

21                   You know, what I can tell you is that at  
22 the -- as we got to the time of the announcement,  
23 and in the years since, Monsanto has taken a  
24 primary role in defending the safety of product --  
25 of the product, and, yes, in defending the Roundup

1 brand. We issued press release, we've done  
2 multiple press interviews, we've engaged -- we've  
3 engaged online, to help share information. We're  
4 very pleased that a wide variety of third parties,  
5 our customer groups, farmer associations, and  
6 others, continue to support the safe use of  
7 glyphosate as well.

8 And I think we've been very proactive,  
9 very front-footed in our -- in our engagement  
10 around the product.

11 BY MR. ESFANDIARY:

12 Q Across two plans now, we've seen  
13 Monsanto emphasize the need to defer to third  
14 parties in protecting glyphosate's reputation.  
15 And your testimony here today is that that's not  
16 actually what occurred, correct?

17 MR. PARISER: Objection to foundation,  
18 scope, asked and answered.

19 THE WITNESS: What I'm -- what I'm  
20 explaining is the plans that we've looked at  
21 reflect thinking at one point -- at one point in  
22 time. Plans and approaches can and do -- and do  
23 evolve. And the approach that we've taken in the  
24 last few years certainly has put Monsanto in a  
25 primary role of speaking out about the safety and

1 the benefits of our product. But we're very glad  
2 that our customer groups and others have -- have  
3 defended the product as well.

4 BY MR. ESFANDIARY:

5 Q At Monsanto's request?

6 A In some cases, we've shared with them  
7 opportunities where they could engage or speak  
8 out. You know, it's -- where there's a shared --  
9 there's a shared interest in a product that's as  
10 important as glyphosate. Our customers truly rely  
11 on it, because of the benefits that it provides to  
12 them on a farm. And so, yes, there are -- there  
13 are times where we will go to our customers, and  
14 you know, share -- share some information with  
15 them, and make a -- make a request that they do --  
16 they do communicate.

17 Q And that plan identifies, as a primary  
18 spokesperson for the safety of glyphosate, these  
19 other third parties, not Monsanto, correct?

20 MR. PARISER: Objection to the scope.

21 THE WITNESS: This -- this document does  
22 lay out a variety of -- a variety of different  
23 groups that could have an interest in  
24 communicating about -- about glyphosate. I don't  
25 think I would say that they have played the

1 primary role. I think Monsanto, again, has been  
2 very -- has been very direct with press releases  
3 and interviews and other communications on the  
4 topic. But these groups have all -- have all  
5 spoken out as well.

6 BY MR. ESFANDIARY:

7 Q You agree with me that if the  
8 information is coming from these third parties,  
9 the average consumer has no way of knowing that is  
10 actually Monsanto that is communicating the  
11 specific message, correct?

12 MR. PARISER: Objection to scope, form,  
13 and foundation, vague.

14 THE WITNESS: No, I -- I disagree  
15 with -- with the premise there. These groups all  
16 have points of view and opinions that are theirs,  
17 and theirs alone. That Monsanto provides some  
18 information to them, or shares some information  
19 does not mean that any one of these groups, or  
20 individuals affiliated with the groups, is going  
21 to actually communicate or not. And I'm quite  
22 confident that any of these groups would speak  
23 with their own voice, because they believe that  
24 the product is -- is important.

25 BY MR. ESFANDIARY:

1           Q     And the shared interest Monsanto and all  
2     these groups have is a shared financial interest  
3     in the success of Roundup, correct?

4                     MR. PARISER:  Objection to scope, form,  
5     and foundation.

6                     THE WITNESS:  No, I think -- I think  
7     that's -- I think that's too narrow.  Yes,  
8     glyphosate -- glyphosate is an important product  
9     for Monsanto.  Glyphosate is important for our  
10    farmer -- for our farmer customers, and for their  
11    livelihoods.

12                    But the benefit of glyphosate extends  
13    beyond simply the contribution to a farmer's  
14    livelihood.  It enables farmers to use more  
15    sustainable farming practices.  It enables them to  
16    useless diesel fuel in their operations.  It  
17    promotes soil health.  When I talk about the  
18    shared value or the shared benefit, it is -- it is  
19    in that broader context.

20   BY MR. ESFANDIARY:

21           Q     It's your testimony to the jury that  
22    these third parties would as aggressively promote  
23    the safety of Roundup, if they did not have a  
24    financial interest in it?

25                    MR. PARISER:  Same objections.

1 THE WITNESS: I -- I -- no, I think  
2 these -- I think part of why these groups, and  
3 individuals involved in the groups, defend the  
4 product certainly is that it does -- it does  
5 provide value for them. If it didn't provide  
6 value, they wouldn't buy the product. It's as  
7 simple as that. If a farmer didn't see value  
8 in -- in Roundup, they would buy and use something  
9 else.

10 But because they understand both the  
11 financial value, as well as the value for the  
12 sustainability of their operations, I think  
13 farmers choose to use Roundup year after year  
14 after year.

15 (Murphey Exhibit No. 12 was marked  
16 for identification.)

17 MR. ESFANDIARY: I'm going to mark  
18 Exhibit No. 12 to your deposition. I think I only  
19 have two copies of that.

20 MR. PARISER: It's fine.

21 MR. ESFANDIARY: All right.

22 BY MR. ESFANDIARY:

23 Q Okay. This is an exhibit,  
24 MONGLY01021378. It contains e-mails between  
25 Monsanto employees. Have you seen this document



1 before?

2 A Yes, I believe I have.

3 Q And the initial e-mail is from Donna  
4 Farmer to Bill Heydens, including David Saltmiras,  
5 March 4, 2015. And this is before the IARC  
6 decision, correct?

7 A Yes, that would be before the IARC  
8 opinion was published.

9 Q And Dr. Farmer says, I was asked to --  
10 "I was asked for a list of experts that they could  
11 contact to defend glyphosate in the media," and  
12 then she identifies a list, correct?

13 A Yes, that's correct.

14 Q So this is an example of Monsanto using  
15 third parties to defend glyphosate in the media,  
16 correct?

17 MR. PARISER: Objection to scope,  
18 foundation.

19 THE WITNESS: No, this -- this appears  
20 to be a list of experts, scientific experts from  
21 various fields, to whom Monsanto could possibly  
22 refer a reporter, or ask one of these experts to  
23 answer a question about the safety of glyphosate.

24 BY MR. ESFANDIARY:

25 Q To defend glyphosate in the media,

1 correct?

2 MR. PARISER: Same objections.

3 THE WITNESS: Yes, if there was  
4 misinformation, or inaccurate reporting in the  
5 media, yes, to defend glyphosate in that context.

6 MR. ESFANDIARY: I move this document.

7 THE WITNESS: While you're doing that,  
8 would it be okay if I grab a bottle of water?

9 MR. ESFANDIARY: Sure. We can go off  
10 the record, actually.

11 THE VIDEOGRAPHER: The time is 12:12  
12 p.m. We're going off the record.

13 (Brief recess.)

14 THE VIDEOGRAPHER: The time is 12:13  
15 p.m. We're back on the record.

16 (Murphey Exhibit No. 13 was marked  
17 for identification.)

18 BY MR. ESFANDIARY:

19 Q Mr. Murphey, here is Exhibit 13 to your  
20 deposition.

21 A Thank you.

22 Q This is an e-mail, MONGLY00948216, from  
23 Dan Goldstein dated March 3rd, 2015, regarding  
24 draft Op Ed materials. Do you work with Dan  
25 Goldstein?

1           A       I did work with Dr. Goldstein, yes.

2           Q       Have you seen this document before, sir?

3           A       Yes, I believe I have.

4           Q       And it appears to have been created  
5 during the ordinary course of Monsanto business?

6                   MR. PARISER:  Objection to form and  
7 foundation.

8                   THE WITNESS:  Yes, it is.

9                   MR. ESFANDIARY:  I move this into  
10 evidence as well.

11 BY MR. ESFANDIARY:

12           Q       And this was sent about 20 days after  
13 Dr. Farmer's e-mail identifying the third parties  
14 that can be used to defend glyphosate in the  
15 media, correct?

16                   MR. PARISER:  Objection to scope.

17                   THE WITNESS:  Yes, it appears -- roughly  
18 twenty days.

19 BY MR. ESFANDIARY:

20           Q       And Dr. Goldstein says, "I have written  
21 five potential draft Op Eds for the medical  
22 toxicologists to work from.  This also includes a  
23 general purpose couple of paragraphs on criticism  
24 of IARC generally that can be grafted in to the  
25 other versions."  Do you see that?

1           A       I -- I do see that.

2           Q       Okay. And if you look at the  
3 attachment, it says, "Glyphosate and Cancer -  
4 Idiosyncrasies at IARC."

5                   Do you see that, sir?

6           A       Yes, I see that.

7           Q       So is this an example of the talking  
8 points that Monsanto would have provided to third  
9 parties to defend glyphosate in the media?

10          A       Yes, I mean, this appears to be some  
11 information that Dr. Goldstein had assembled with  
12 some message points. And that he was sharing it  
13 with -- you know, what appears, by their e-mail  
14 addresses, to be some other medical doctors and  
15 scientists. And he explains in his -- you know,  
16 in the e-mail, you know, this will give a good  
17 starting point. And we can coordinate Op Ed  
18 versions as -- as needed. You know, not -- even  
19 below that, "not intended to tell you what to say,  
20 just grist for the mill, to help you create what  
21 you want to say."

22          Q       Would the person reading the Op Ed know  
23 that the information initially came from  
24 Dr. Goldstein of Monsanto Company?

25                   MR. PARISER: Objection to form, and

1 foundation, and scope.

2 THE WITNESS: I -- I think that depends  
3 on what the -- what the scientist ultimately  
4 published. You know, I think in some of this, you  
5 know, document, it looks like, you know,  
6 Dr. Goldstein was just pulling together, you know,  
7 references -- you know, there are references to  
8 regulatory conclusions, or there are other pieces,  
9 but I think whatever the scientist ultimately  
10 published would be their -- their opinion, and  
11 their opinion alone.

12 BY MR. ESFANDIARY:

13 Q Do you think it's important for a  
14 consumer to know that a source of information is  
15 coming from the company that has a vested interest  
16 in the product?

17 MR. PARISER: Same objections.

18 THE WITNESS: I think there's some  
19 context there that's -- that's important. You  
20 know, no -- no scientist, you know, at this  
21 stage -- at the senior level, at the stage in  
22 their careers that Dr. Goldstein was communicating  
23 with, would publish something that did not  
24 accurately and fully reflect their opinion.

25 What Dr. Goldstein was providing here

1 was a starting point. You know, as he puts it,  
2 grist for the mill, to help you create what you  
3 want to say. You know, if -- if they use some of  
4 this as early context or a starting point for  
5 their ideas, I think that's perfectly appropriate.

6 BY MR. ESFANDIARY:

7 Q No, I appreciate that, and I wasn't  
8 insinuating that Dr. Goldstein ghost-wrote any of  
9 these for these scientists.

10 All I'm asking you, though, is, would it  
11 be important for a consumer to know that some of  
12 -- the source of some of the information it's  
13 receiving about the IARC classification came from  
14 the company that has a vested interest in the  
15 product?

16 MR. PARISER: Same objections, and asked  
17 and answered.

18 THE WITNESS: No, I think -- I think in  
19 this context, Dr. Goldstein was sharing some  
20 information. You know, if one of these scientists  
21 chose to weigh in, and draft and submit an Op Ed  
22 for publication, that would be their opinion, and  
23 should be reflected as such.

24 BY MR. ESFANDIARY:

25 Q So the answer to my question is, no,

1 Monsanto does not believe that it's important for  
2 a consumer to know that some of the source of the  
3 information about IARC is coming from the company?

4 MR. PARISER: Same objections, and asked  
5 and answered.

6 THE WITNESS: No, in -- in the context  
7 of what -- of what I'm describing here,  
8 Dr. Goldstein is sharing -- sharing information.  
9 He is, you know, in some cases, could have been,  
10 you know, flagging for these scientists who are  
11 thinking and working on many different matters,  
12 that the IARC opinion had just been published, and  
13 sharing some context around that. I think,  
14 ultimately, if those -- if those scientists spent  
15 time thinking about glyphosate and authoring on  
16 Op Ed, it's accurate for it to be published in  
17 their name.

18 BY MR. ESFANDIARY:

19 Q Mr. Murphey, what was my question?

20 MR. PARISER: Objection, argumentative.

21 THE WITNESS: It was -- your question, I  
22 believe, was something to do with the fact of,  
23 should Monsanto be noted as providing the  
24 information. And, no -- my answer to that is no.

25 BY MR. ESFANDIARY:

1           Q     Okay. Okay. Let's take a look at this  
2     here. So it's true that Monsanto's allocated  
3     millions of dollars in responding to the IARC  
4     classification, correct?

5           MR. PARISER: Objection to scope and  
6     form, foundation.

7           THE WITNESS: We -- we have -- we had to  
8     spend a significant amount of resources, over  
9     several years now, correcting misinformation, and  
10    addressing questions in the public about -- about  
11    glyphosate.

12   BY MR. ESFANDIARY:

13           Q     Has Monsanto allocated millions of  
14    dollars to responding to the IARC classification?

15           MR. PARISER: Same objections.

16           THE WITNESS: Yes.

17   BY MR. ESFANDIARY:

18           Q     Do you know roughly how much Monsanto  
19    allocated to it in 2016?

20           MR. PARISER: Same objections.

21           THE WITNESS: I can -- I can only speak  
22    within the context of, you know, public affairs  
23    activities, you know, things that I would have  
24    been directly involved in. But in 2016, you know,  
25    I believe for some of the projects I was involved



1 in, it was around 16 or 17 million.

2 BY MR. ESFANDIARY:

3 Q 16 or 17 million --

4 A Mm-hmm.

5 Q -- was allocated to responding to the --  
6 to the IARC clarification?

7 MR. PARISER: Same objections.

8 THE WITNESS: No, not specifically and  
9 solely focused on IARC. It's -- it would have  
10 focused on engagement and media relations and  
11 other activities on glyphosate, more generally.

12 BY MR. ESFANDIARY:

13 Q So 16 to 17 million in 2016 on general  
14 media relations pertaining to glyphosate, correct?

15 A Media relations in multiple countries,  
16 you know, where you have to deal with multiple  
17 languages, digital media, and other activities.

18 Q How much does it cost to perform a  
19 long-term cancer bioassay on a formulated product?

20 MR. PARISER: Objection, scope,  
21 foundation.

22 THE WITNESS: I don't -- I don't have a  
23 frame reference for that.

24 BY MR. ESFANDIARY:

25 Q Do you know who Dr. Koch is?

1 Dr. Michael Koch?

2 A Yes, I'm aware that he's in our  
3 regulatory group.

4 Q He's a scientist, right?

5 A Yes.

6 Q Would you defer to his scientific  
7 expertise when it comes to Roundup, the scientific  
8 profile of Roundup?

9 A I'm -- I'm not personally familiar with  
10 what Dr. Koch's scientific background is.

11 Q If a Monsanto scientist, such as  
12 Dr. Farmer, was to tell you that to conduct a full  
13 carcinogenicity bioassay was to cost 1.5 million  
14 US dollars, would you -- would you have any reason  
15 to doubt her judgment on that?

16 MR. PARISER: Objection to scope and  
17 foundation.

18 THE WITNESS: I -- I don't have any  
19 frame of reference for what that costs, so, no, I  
20 would -- I would defer to Dr. Farmer.

21 Q You would?

22 A Yes.

23 Q And 1.5 million is significantly less  
24 than 16 million, correct?

25 MR. PARISER: Objection to scope, form.

1 THE WITNESS: It is. However, I think  
2 the type of assay that you're suggesting, based on  
3 my understanding from conversations with  
4 Dr. Farmer and others, is not -- is not a required  
5 regulatory study.

6 BY MR. ESFANDIARY:

7 Q So Monsanto would only do a study to  
8 find out the carcinogenicity of its product if  
9 it's required?

10 MR. PARISER: Objection, outside of the  
11 scope.

12 THE WITNESS: We have no -- again, based  
13 on my understanding from conversations with our  
14 scientists, we have no evidence suggesting that  
15 for -- our formulated products are carcinogenic.  
16 And that includes significant epidemiology data  
17 that looks at the real world use of those  
18 products.

19 BY MR. ESFANDIARY:

20 Q Mr. Murphey, Monsanto has never, itself,  
21 conducted a two-year carcinogenicity assay on the  
22 formulated Roundup product, correct?

23 MR. PARISER: Objection, asked and  
24 answered, outside the scope.

25 THE WITNESS: Yes, that's my

1 understanding.

2 BY MR. ESFANDIARY:

3 Q So Monsanto, itself, does not know what  
4 the results of that study would show, correct?

5 MR. PARISER: Objection. Objection to  
6 form. Objection, outside the scope.

7 THE WITNESS: Again, my understanding is  
8 that that type of study has never been done.

9 BY MR. ESFANDIARY:

10 Q And if it was to be done, it would cost  
11 1.5 million, hypothetically?

12 MR. PARISER: Same objections.

13 BY MR. ESFANDIARY:

14 Q And --

15 A I -- I don't have any frame of reference  
16 for what that type of study would cost. That's  
17 not my area of expertise.

18 Q I want to mark as Exhibit No. 19 -- I  
19 apologize, 14. Getting ahead of myself. Is that  
20 correct?

21 A My last one was 13.

22 MR. ESFANDIARY: I apologize. Can we go  
23 off the record quickly?

24 THE VIDEOGRAPHER: The time is 12:23  
25 p.m. We're going off the record.

1 (Lunch recess.)

2 THE VIDEOGRAPHER: The time is  
3 1:15 p.m., and we're back on the record.

4 BY MR. ESFANDIARY:

5 Q Good afternoon, Mr. Murphey, how was  
6 your lunch?

7 A It was very nice, thank you. Good  
8 afternoon.

9 Q Good. All right.

10 So before we went on a break, you  
11 testified about the benefits that Roundup has for  
12 farmers and agricultural workers. Do you remember  
13 that testimony?

14 A I do.

15 Q Great. And you understand -- and I'm  
16 asking you this in your individual capacity, you  
17 understand that Roundup is also marketed at  
18 regular consumers, non-occupational users?

19 A Correct.

20 Q And do you think that Roundup could be  
21 continued to be used in agricultural setting, and  
22 also by consumers with the same benefits that it's  
23 currently having if a cancer warning was given on  
24 the label?

25 MR. PARISER: Objection to foundation,

1 form.

2 THE WITNESS: My -- my understanding is  
3 that a cancer warning would be -- would be  
4 inaccurate, and a federal judge has actually ruled  
5 it to be false and misleading. So, no, I don't  
6 think a cancer warning would be appropriate, and  
7 likely would lead to decreased use.

8 BY MR. ESFANDIARY:

9 Q Let me pose this in a hypothetical.  
10 Supposing that cancer -- that Monsanto took the  
11 position that Roundup is actually associated with  
12 an elevated risk in non-Hodgkin's lymphoma, do you  
13 think that Roundup could continue to be used with  
14 the same benefits we discussed earlier with a  
15 cancer warning label?

16 MR. PARISER: Objection, improper  
17 assumption, and lack of foundation.

18 THE WITNESS: I really don't understand  
19 the connection that you're trying to draw between  
20 the two.

21 The benefits of Roundup are  
22 well-established, and -- and known. But it's also  
23 known that glyphosate isn't carcinogenic. And so  
24 if you are talking about -- it's really like  
25 you're talking about a different product almost.

1 BY MR. ESFANDIARY:

2 Q No, I'm asking you -- I'm asking you  
3 hypothetically, that if Monsanto was to warn about  
4 the cancer risk, could Roundup continue to be used  
5 with the same benefits to farmers and consumers  
6 that you discussed earlier?

7 MR. PARISER: Same objections.

8 THE WITNESS: So I think the only way I  
9 can answer your question is the -- we firmly  
10 believe that a cancer warning on a package of  
11 Roundup would be inaccurate, and it would be false  
12 and misleading. But that false and misleading  
13 warning label would not change the beneficial  
14 properties of the substance.

15 BY MR. ESFANDIARY:

16 Q So in other words, Roundup could be  
17 marketed, hypothetically, with the same benefits  
18 that you discussed earlier, but also carrying a  
19 cancer label, correct?

20 MR. PARISER: Same objections, and this  
21 continues to be outside the scope.

22 THE WITNESS: And again, I just -- I  
23 don't think there's anything I can add to my  
24 answer, other than, you know, again, to repeat,  
25 the warning label would not accurately

1 characterize the product. A federal judge has  
2 said that such a partnering label on glyphosate  
3 products would be false and misleading to  
4 consumers.

5 But, yes, to your point, putting that  
6 false and misleading warning on a package of  
7 Roundup, which I believe to be inappropriate,  
8 would not change the beneficial properties of the  
9 product.

10 BY MR. ESFANDIARY:

11 Q Do you think Monsanto would stop selling  
12 Roundup if the company believed it was  
13 carcinogenic?

14 MR. PARISER: Objection, scope,  
15 foundation.

16 THE WITNESS: I -- I can't speak to  
17 that, one way -- one way or another. You know, I  
18 think that would be a matter for scientific  
19 experts within the company and -- and regulatory  
20 bodies to decide.

21 BY MR. ESFANDIARY:

22 Q And you've already said you respect and  
23 you defer to scientific opinions of your  
24 colleagues, such as Dr. Farmer, right?

25 A Yes, Dr. Farmer, among others.



1           Q     And again, in your individual capacity,  
2     here is another hypothetical.  If Dr. Farmer was  
3     to say, Sam, you know, we have done some more  
4     research, and it turns out that this product may  
5     be associated with a risk of non-Hodgkin's  
6     lymphoma, do you think that Monsanto should stop  
7     selling Roundup in that eventuality?

8           MR. PARISER:  Objection to form,  
9     improper hypothetical.

10          THE WITNESS:  I'll start by saying, we  
11     have absolutely no reason to believe that we would  
12     come across evidence like that.  I've heard  
13     nothing in my conversations with Monsanto  
14     scientists about any type of evidence of that  
15     nature.

16          But if -- if we were to come across  
17     evidence that made that suggestion, I think it  
18     would be -- that would be a decision left up to  
19     our experts in product safety, and regulatory  
20     bodies around the world, that would have to weigh  
21     and evaluate the overall risk.

22     BY MR. ESFANDIARY:

23          Q     But do you think that product should not  
24     be on the product if it can cause cancer?

25          MR. PARISER:  Objection, asked and

1 answered, improper hypothetical, scope.

2 THE WITNESS: I think that's -- that's a  
3 decision that would need to be made by  
4 scientific -- by scientific experts, who can  
5 evaluate the overall risk, in the context of how  
6 the product would be -- would be used. But,  
7 again, I've heard absolutely nothing from any of  
8 our scientists about any suggestion of a  
9 connection between glyphosate and cancer.

10 BY MR. ESFANDIARY:

11 Q No, I understand that. But my question  
12 to you is, in exercising your own judgment, do you  
13 think that if a product can cause cancer, it  
14 should not be on the market?

15 MR. PARISER: Objection, asked and  
16 answered, form, scope.

17 THE WITNESS: No, as a -- as a  
18 layperson, I'm very comfortable in the work that  
19 our regulatory agencies do, and the assessments  
20 that they do that would look at an individual  
21 piece of data from one study, and assess it in the  
22 context of the overall safety profile of the  
23 product, and the real -- the real world -- the  
24 real world risk.

25 BY MR. ESFANDIARY:

1           Q       If the EPA came out tomorrow and said  
2       they believe Roundup to be associated with  
3       non-Hodgkin's lymphoma, do you think that Roundup  
4       should be off the market?

5           MR. PARISER:   Same objections.

6           THE WITNESS:   I think that would be a  
7       decision -- that would be a decision for the EPA  
8       to make, based on -- again, based on what they --  
9       what they saw in their overall -- their overall  
10      risk assessment.

11      BY MR. ESFANDIARY:

12          Q       Mr. Murphey, I'm going to ask my  
13      question again, and you haven't provided a  
14      responsive answer yet.

15                 My question to you was, if the EPA was  
16      to come out and say that Roundup can cause cancer,  
17      do you, sir, think that it should be off the  
18      market?

19           MR. PARISER:   I'm going to object again  
20      to the form of the question, as well as scope.  
21      And also, Counsel, don't lecture the witness about  
22      whether he's asked or answered the question.  In  
23      fact, he has answered the question.  And I'm going  
24      to object on that basis as well.  If you have  
25      anything else you can add, you may do so.

1 THE WITNESS: My answer would be, no,  
2 that would be a decision for experts at EPA to  
3 make.

4 BY MR. ESFANDIARY:

5 Q So your answer is, no, you do not think  
6 that Roundup should be off the market?

7 MR. PARISER: Objection, asked and  
8 answered.

9 BY MR. ESFANDIARY:

10 Q If the EPA makes a determination that it  
11 can cause cancer?

12 MR. PARISER: Objection, asked and  
13 answered numerous times, and improper  
14 hypothetical, scope.

15 THE WITNESS: No, the EPA would look at  
16 that data in the context of an overall risk  
17 assessment, and make its decision. I'm -- I'm  
18 confident in the EPA's ability to assess risk and  
19 regulate products.

20 BY MR. ESFANDIARY:

21 Q So if your -- you would exercise that  
22 confidence in the event that the EPA determines  
23 Roundup to be associated with cancer, correct?

24 MR. PARISER: Same objections.

25 THE WITNESS: Correct. And I just -- I

1 really don't think there is anything else I can  
2 add here.

3 BY MR. ESFANDIARY:

4 Q So in that exercising your confidence in  
5 the belief, or in the accuracy of the EPA's  
6 assessment, if they decided that Roundup is a  
7 carcinogen, do you think that it should come off  
8 the market?

9 MR. PARISER: Same objections, improper  
10 hypothetical, outside the scope, asked and  
11 answered numerous times.

12 THE WITNESS: No, I think the -- the EPA  
13 would make that decision, because they would look  
14 at it in the context of exposure. They would look  
15 at it in the context of overall -- of overall  
16 risk. And they would -- they would make the  
17 determination, based on -- based on the science  
18 that they reviewed.

19 BY MR. ESFANDIARY:

20 Q What do you think, though? Do you think  
21 it should come off the market, if it's deemed to  
22 have a cancer risk, that EPA has deemed it to be a  
23 carcinogen?

24 MR. PARISER: Same objections, asked and  
25 answered.

1 BY MR. ESFANDIARY:

2 Q If you don't know, you don't know. You  
3 can say that.

4 MR. PARISER: And I object to counsel's  
5 instructing the witness.

6 THE WITNESS: No. Sir, my answer would  
7 be, if the EPA allows a product to stay on the  
8 market, the EPA believes that that product -- that  
9 product causes no unreasonable risk of harm to  
10 human health or to the environment. If the EPA  
11 continues to make that determination, the product  
12 should be on the market. But again, the EPA is  
13 going to look at that in a holistic way.

14 BY MR. ESFANDIARY:

15 Q What -- what if it doesn't make that  
16 determination?

17 MR. PARISER: Objection, vague, improper  
18 hypothetical, scope.

19 THE WITNESS: Again, this would relate  
20 to -- to any product.

21 BY MR. ESFANDIARY:

22 Q So you --

23 A If the EPA -- if the EPA determines that  
24 a product poses unreasonable risk, it won't be  
25 on -- it won't be on the market. And I think that









[illegible]

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18 BY MR. ESFANDIARY:

19 Q I'm going to mark as Exhibit No. 15, the  
20 following e-mail between you and others at  
21 Monsanto.

22 (Murphey Exhibit No. 15 was marked  
23 for identification.)

24 MR. ESFANDIARY: Here's copies for  
25 counsel there.

1 BY MR. ESFANDIARY:

2 Q And you sent -- you've seen this  
3 document before, I assume, because you sent both  
4 e-mails, correct, sir?

5 A Yes.

6 Q Okay. And this is MONGLY03315608, and  
7 it contains e-mail correspondence between Samuel  
8 Murphey and others at Monsanto, including  
9 Mr. David -- Dr. David Heering. The first e-mail  
10 is dated October 5th, 2015.

11 And does this appear to have been  
12 created during the ordinary course of Monsanto  
13 business, Mr. Murphey?

14 MR. PARISER: Objection to form.

15 THE WITNESS: Yes.

16 MR. ESFANDIARY: I move this into  
17 evidence as well.

18 BY MR. ESFANDIARY:

19 Q And you say at the bottom there, "Team,  
20 as discussed on the weekly glyphosate call, the  
21 first two post-IARC glyphosate personal injury  
22 lawsuits in the U.S. were filed in late  
23 September."

24 Do you see that, sir?

25 A Correct.



1           Q     "One case was filed in New York, and  
2     another in California. We had anticipated such  
3     litigation for some time." Do you see that, sir?

4           A     Yes.

5           Q     So Monsanto had, by October 5th, 2015,  
6     anticipated litigation related to the  
7     carcinogenicity of glyphosate, correct?

8           MR. PARISER: Objection, outside the  
9     scope. And you know, again, I'd instruct you not  
10    to reveal the contents of any attorney/client  
11    communications. But otherwise, you can -- you can  
12    answer, to the extent you know in your personal  
13    capacity.

14          THE WITNESS: Sure, in my personal  
15    capacity, yes, this is -- so October -- October  
16    5th was, you know, more than six months -- or  
17    right at six months from when the IARC opinion had  
18    been published. And you know, I believe we were  
19    aware of some advertising that was -- was starting  
20    to be done, regarding potential litigation. So,  
21    yes, certainly by October 5th, we had -- we had --  
22    in this note, we had indicated we had seen the  
23    first two cases filed.

24    BY MR. ESFANDIARY:

25          Q     If you turn over the page, to Bates

1 ending 609, and just for the record, this next  
2 line of questioning will direct -- will be related  
3 directly to your representative role on behalf of  
4 Monsanto. You say, "If you receive questions from  
5 employees or stakeholders, an appropriate response  
6 is, while sympathetic to individuals experiencing  
7 health problems, including those alleged by  
8 plaintiffs in these cases, we believe that  
9 glyphosate is safe for human health when used as  
10 labeled, and that these suits are without merit.  
11 Decades of experience within agriculture and  
12 regulatory reviews, using the most extensive  
13 worldwide human health databases ever compiled on  
14 an agricultural product contradict the claims in  
15 the suits, which we have vigorously defended." Do  
16 you see that?

17 A I do.

18 Q And you're aware that plaintiffs in this  
19 litigation were exposed to the formulated Roundup  
20 product, not just glyphosate, correct, sir?

21 A Correct.

22 Q Do you recall why you made a decision to  
23 respond with the boilerplate language pertaining  
24 only to glyphosate, and not Roundup?

25 MR. PARISER: Objection to form, scope.

1 THE WITNESS: I -- I don't recall, in  
2 the specific context of this statement, no. But  
3 we certainly have data, such as the Agricultural  
4 Health Study, that clearly shows no link between  
5 glyphosate-based formulations and cancer either.

6 BY MR. ESFANDIARY:

7 Q Did you ever discuss -- have any  
8 discussions with your Monsanto colleagues, where  
9 it was expected that in media statements, Monsanto  
10 steer clear from referring to "glyphosate-based  
11 formulations," and use "glyphosate" instead?

12 MR. PARISER: Objection to scope.

13 THE WITNESS: No.

14 BY MR. ESFANDIARY:

15 Q When discussing -- let me rephrase.  
16 When discussing your response -- when discussing  
17 Monsanto's response to the IARC classification,  
18 was there a consensus within Monsanto to use  
19 glyphosate when speaking of the classification, as  
20 opposed to GBFs?

21 MR. PARISER: Objection, vague.

22 THE WITNESS: I -- I think in the  
23 context of IARC, our understanding was that the  
24 IARC opinion dealt with the active ingredient.  
25 And so some of our statements may have -- may have

1 focused on the active ingredient in that context.  
2 You know, but we certainly have made many  
3 statements that deal with glyphosate-based  
4 formulations as well.

5 BY MR. ESFANDIARY:

6 Q You're aware that IARC looked at  
7 hundreds of genotoxicity studies that looked at  
8 the formulated products, correct?

9 MR. PARISER: Objection to scope and  
10 form.

11 THE WITNESS: I'm not exactly clear on  
12 what exactly IARC looked at, but my -- my  
13 understanding was that their opinion dealt with  
14 the -- with the active substance.

15 BY MR. ESFANDIARY:

16 Q You're not exactly clear what IARC  
17 looked at, but you are comfortable speaking to the  
18 media about the flaws of the classification,  
19 correct?

20 MR. PARISER: Objection, argumentative.

21 THE WITNESS: Yes, based -- based on my  
22 understanding, and my conversations with our  
23 scientists.

24 BY MR. ESFANDIARY:

25 Q Mr. Murphey, Monsanto's ultimate goal is

1 to defend freedom to operate for glyphosate  
2 globally, while enabling growth of Monsanto's crop  
3 protection business, correct?

4 MR. PARISER: Objection, outside the  
5 scope.

6 THE WITNESS: I -- I can't say that that  
7 is Monsanto's overarching goal. I -- I do recall  
8 that as a goal that I -- I once identified in my  
9 plan as a priority that would be for my team.

10 BY MR. ESFANDIARY:

11 Q All right. I would like to switch gears  
12 to -- I believe it's category number 18 on the PMK  
13 deposition notice. The Let Nothing Go campaign,  
14 Monsanto's knowledge, positions, and conduct  
15 related to Let Nothing Go.

16 Now, part of your corporate engagement  
17 responsibilities at Monsanto involved coordinating  
18 the Let Nothing Go campaign, correct, sir?

19 A Yes, I would say I was one of the people  
20 on point for that effort.

21 Q Can you please define the Let Nothing Go  
22 campaign for the jury?

23 A Sure. The Let Nothing Go effort focused  
24 on the European Union. And it was an initiative  
25 that involved carefully monitoring media coverage

1 about the company in multiple languages. We had a  
2 number of markets we were -- we were prioritizing.  
3 So media monitoring in those different languages.  
4 Highlighting or flagging stories that contained  
5 inaccurate information or misinformation about the  
6 company or products, or stories that didn't  
7 include the company's perspective or point of  
8 view.

9 And then following up with those  
10 reporters, proactively calling reporters in those  
11 instances, to share a statement, to provide some  
12 additional context, and to encourage those  
13 reporters to contact us in the future.

14 Q Let's just break down the answer a  
15 little bit. So part of the Let Nothing Go  
16 initiative, would that involve Monsanto pushing  
17 for positive stories about its glyphosate-based  
18 formulations in the media?

19 MR. PARISER: Objection to form.

20 THE WITNESS: In -- in some contexts,  
21 there -- there might have been proactive --  
22 proactive outreach, or asking -- you know, asking  
23 a reporter to think about an idea for a story in  
24 the future. But I would say, principally, the  
25 focus was -- that monitoring and that reaction

1 that I described.

2 BY MR. ESFANDIARY:

3 Q And did the Let Nothing Go campaign  
4 invest in communication tactics targeted --  
5 targeted to consumers of Roundup?

6 A It more -- so it focused on kind of both  
7 mainstream and agricultural trade publications.  
8 So, yes, to the extent that a consumer -- again,  
9 we're talking about the European Union. To the  
10 extent that a consumer might see an article about  
11 glyphosate or Roundup in a -- in a mainstream  
12 publication, it would involve -- it would involve  
13 that type of consumer audience.

14 Q Did the Let Nothing Go campaign involve  
15 making Monsanto's opponents uncomfortable?

16 MR. PARISER: Objection to form.

17 THE WITNESS: No, I don't think that's  
18 an accurate characterization. I think it was  
19 the -- the effort was much more about realizing,  
20 in the European context, there was a significant  
21 amount of coverage on glyphosate, as we discussed  
22 earlier. This renewal process was occurring.  
23 Glyphosate was receiving a tremendous amount of  
24 coverage in -- in the media. And this effort was  
25 more focused on reaching out and trying to achieve

1 accuracy and balance in that reporting.

2 BY MR. ESFANDIARY:

3 Q Before we move on, have you been -- have  
4 you ever received media training at Monsanto  
5 Company?

6           A       I have not.

7 Q You have not? Have you ever received  
8 any kind of training pertaining to sticking to the  
9 answer, regardless of the question?

10 MR. PARISER: Objection, vague.

11 THE WITNESS: No.

12 BY MR. ESFANDIARY:



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7 Q All right. Let's move on to Exhibit  
8 No. 19.

9 (Murphey Exhibit No. 19 was marked  
10 for identification.)

11 BY MR. ESFANDIARY:

12 Q All right. This is MONGLY0348790. It  
13 contains e-mails and attachment -- e-mails sent by  
14 Samuel Murphey. The first one is dated May 21st,  
15 2016. And it's -- the subject is Germany  
16 outreach.

17 Do you recall sending these e-mails,  
18 Mr. Murphey?

19 A I -- I don't necessarily recall sending  
20 the individual e-mails, but I recall the  
21 conversation and the substance of what's being  
22 discussed.

23 Q Okay. And does this appear to have been  
24 created during the ordinary course of Monsanto  
25 business?

1 MR. PARISER: Objection, form.

2 THE WITNESS: Yes.

3 MR. ESFANDIARY: Okay. I move this into  
4 evidence.

5 BY MR. ESFANDIARY:

6 Q And you say here, at the first e-mail,  
7 at the bottom, "The corporate engagement lead in  
8 Germany has worked with FleishmanHillard to  
9 develop an expanded plan for targeted outreach in  
10 Germany to help move the government's position  
11 back to support for glyphosate renewal. FH," that  
12 is FleishmanHillard, "sent this to me for review  
13 today. The scope of work outlined in the plan  
14 moves beyond our previous focus on the media  
15 components of the 'Let Nothing Go' campaign and  
16 specifically focuses on direct outreach to  
17 political stakeholders."

18 Do you see that?

19 A I do.

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2 Q Okay. You can put that aside.

3 All right. Mr. Murphey, just for the  
4 record, I am concluding the portion of the  
5 corporate representative deposition. I'm going to  
6 move into questions about your individual  
7 capacity, although I'm reserving the right to  
8 resume to asking questions on your representative  
9 behalf later on if I feel the need to, okay?

10 MR. PARISER: Do we have a copy of the  
11 notice to mark, just to be clear. And also,  
12 Counsel, just to make sure we're both on the same  
13 page, we'll do one direct at the end of the  
14 examination, and I'll just make clear when my  
15 questioning pertains to, you know, his 30(b)(6)  
16 role, his individual role, or both.

17 MR. ESFANDIARY: Jerry?

18 MR. KRISTAL: That's fine with me, as  
19 long as it's clear.

20 MR. PARISER: Thank you.

21 MR. ESFANDIARY: All right.

22 MR. KRISTAL: I mean, it's all going to  
23 come in, one way or the other, or not, obviously.  
24 And it's only a question of what import can be  
25 attributed to an answer, that's all.

1 MR. PARISER: Right. Thank you.

2 So do you want to just mark, for the  
3 record, the deposition notice of his individual  
4 capacity, so we're clear.

5 MR. ESFANDIARY: Sure. Yeah. This will  
6 be Exhibit No. 22.

7 (Murphey Exhibit No. 22 was marked  
8 for identification.)

9 BY MR. ESFANDIARY:

10 Q Just put it over here for now.

11 Okay. Where are we? Okay.

12 Mr. Murphey, Monsanto is -- has been concerned  
13 with the costs associated with marketing a safer  
14 Roundup formulation, correct?

15 MR. PARISER: Hold on one second.

16 Can we go off the record for a second?  
17 My Livenote has stopped.

18 THE VIDEOGRAPHER: The time is  
19 2:50 p.m., and we are going off the record.

20 (Pause.)

21 THE VIDEOGRAPHER: The time is 2:51  
22 p.m., and we're back on the record.

23 MR. PARISER: Can we just have the  
24 question reread?

25 (Whereupon, the requested record









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24 (Murphey Exhibit No. 28 was marked  
25 for identification.)



1 BY MR. ESFANDIARY:

2 Q I'm handing you Exhibit 28. It contains  
3 a series of e-mails to and from yourself,  
4 MONGLY03381565, February 9th, 2016.

5                   And you see that there is an e-mail from  
6   you on the front face of this document?

7           A       I do.

8 Q Do you know if these were sent during  
9 the ordinary course of Monsanto business?

10 MR. PARISER: Objection to form.

11 THE WITNESS: Yes.

12 MR. ESFANDIARY: Okay. Move this into  
13 evidence.

14 BY MR. ESFANDIARY:

■

■

3 Q And you respond, on page 566, Samuel  
4 Murphey to David Heering, "My recommendation is to  
5 make sure our stakeholders are aware, but as a  
6 company, I advise against pushing this directly.  
7 I will be interested in Brian's guidance, but with  
8 negotiations ongoing at the WHO level, I worry  
9 that getting too close to this could undermine  
10 those discussions." Do you see that?

11 A Could you point me to the Bates number  
12 on that again, please?

13 Q It is on page 566. It's in the top  
14 paragraph there, from you, Samuel Murphey,  
15 February 9th.

16 A Okay, I've got it. Yes, I see that.

17 Q And then on the front page of this  
18 document, you say, "I'm fully supportive of  
19 getting out to our stakeholders (Prop 65 and  
20 others) and asking them to share and discuss. I  
21 just think we want the public push at arm's-length  
22 from Monsanto." Do you see that, sir?

23 A I do.

24 Q So do you disagree with our own  
25 characterization of Monsanto's activity?

1 MR. PARISER: Objection to form.

2 THE WITNESS: No, I think this -- this  
3 was a recommendation that I was making in the  
4 context of this one particular story and isn't  
5 reflective of the broader approach that we  
6 generally take to media.

7 BY MR. ESFANDIARY:

8 Q Mr. Murphey, earlier today, you  
9 testified that you disagree with the  
10 characterization that Monsanto was trying to  
11 influence public opinion at an arm's-length. And  
12 here you are, on February 9th, 2016, saying to  
13 your Monsanto colleagues that you think that you  
14 should be pushing the story -- "want the public  
15 push at arm's-length from Monsanto." Do you see  
16 that, sir?

17 MR. PARISER: Objection to the form of  
18 the question, argumentative, asked and answered.

19 THE WITNESS: No, I do see here that I'm  
20 recommending that we -- we share this with various  
21 stakeholders, and ask them to discuss it. You  
22 know, the proposal on the table was whether to use  
23 Monsanto social media channels, for instance, to  
24 share the story broadly. And my recommendation  
25 was not to do that in this instance, but to share

1 the -- to share the information in the story with  
2 a variety of stakeholders.

3 BY MR. ESFANDIARY:

4 Q Mr. Murphey, your recommendation was to  
5 get the public push at arm's-length from Monsanto,  
6 correct? Isn't that what you say there, sir --

7 A Yes.

8 Q -- on the face of this document? So you  
9 do not disagree that part of Monsanto's  
10 initiatives in influencing the public opinion on  
11 glyphosate safety involved doing so at  
12 arm's-length from Monsanto, correct?

13 MR. PARISER: Objection to form.

14 THE WITNESS: No, as I've -- as I've  
15 explained, our public affairs strategies had  
16 multiple approaches. In the context of sharing  
17 this one particular story, my recommendation was  
18 to provide it to stakeholders, and not to promote  
19 it directly, for instance, from Monsanto's social  
20 media channels.

21 BY MR. ESFANDIARY:

22 Q So Monsanto -- part of Monsanto's  
23 initiative in protecting the public image of  
24 glyphosate did involve doing so at arm's-length  
25 from Monsanto, correct?

1           A       In the instance of this particular  
2 story, my recommendation was to share this with  
3 stakeholders, and not to promote it directly from  
4 Monsanto's corporate social media channels.

5                   (Murphey Exhibit No. 29 was marked  
6                   for identification.)

7 BY MR. ESFANDIARY:

8           Q       Mr. Murphey, this is Exhibit 29 to your  
9 deposition. It's a series of e-mails.  
10 The initial Bates is MONGLY07673376. And if  
11 you -- have you -- it's dated August 19th, 2015,  
12 subject: "Heads Up - New England Journal of  
13 Medicine Op-Ed."

14                   Does this appear to have been created  
15 during the ordinary course of Monsanto business,  
16 sir?

17                   MR. PARISER: Objection to form.

18                   THE WITNESS: Yes.

19                   MR. ESFANDIARY: I'll move this into  
20 evidence.

21 BY MR. ESFANDIARY:

22           Q       And if you turn to the last page of the  
23 document, there's an e-mail from you, sent  
24 Wednesday, August 19th, 2015, to a whole slew of  
25 Monsanto employees, with a subject, Heads Up - New

1 England Journal of Medicine Op-Ed.

2 And you say, "Corporate engagement ops:  
3 I wanted to make you aware of our strategy for  
4 responding to an Op Ed that we'll publish later  
5 today in the Perspective section of the New  
6 England Journal of Medicine. The Op Ed, by Philip  
7 Landrigan and Charles Benbrook, frequent  
8 anti-GM/pesticide commentators, is critical of  
9 Glyphosate 2,4-D and Dow's endless products."

10 At the bottom, you say, "The Op Ed  
11 attached to this e-mail is under embargo until  
12 5 p.m. Eastern, 4 p.m. Central today. Please do  
13 not share the Op Ed with others at this time." Do  
14 you see that, sir?

15 A Yes.

16 Q Mr. Murphey, how on Earth did Monsanto  
17 get its hands on an Op Ed that had not been  
18 published yet?

19 MR. PARISER: Objection to form.

20 THE WITNESS: The use of embargoes in  
21 the journalism and public affairs industry is  
22 fairly common. I don't recall in this specific  
23 instance of this Op Ed, but there are occasions,  
24 for instance, where a journalist who will have  
25 been provided a copy of the Op Ed or article by



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5 MR. ESFANDIARY: I'm going to mark as  
6 Exhibit No. 31, a series of e-mails.

7 (Murphey Exhibit No. 31 was marked  
8 for identification.)

9 BY MR. ESFANDIARY:

10 Q It's an e-mail from yourself to  
11 Mr. Jenkins, and Mr. Jenkins returning back to  
12 you. And it's MONGLY03402231, dated April 21st,  
13 2016.

14 Mr. Murphey, does this appear to have  
15 been created under the ordinary course of Monsanto  
16 business?

17 MR. PARISER: Objection to form.

18 THE WITNESS: Yes.

19 BY MR. ESFANDIARY:

20 Q Now, Mr. Jenkins sends a statement to  
21 Anne Overstreet from the EPA, on page ending in  
22 Bates 233, correct?

23 A He does.

24 Q Okay. And this statement appears to be  
25 coming from the EPA, the way in which it's -- in

1     which it's addressed, correct?  It says, "The EPA  
2     always strives to base its decisions on the best  
3     sound science."  And the second paragraph says,  
4     "Currently, we are working through some important  
5     science issues on glyphosate, including residues  
6     of the chemical in human breast milk, an in-depth  
7     human incidents and epidemiology evaluation, the  
8     International Agency on Research for Cancer,  
9     IARC's cancer reevaluation released in August  
10    2015, and a preliminary analysis of glyphosate  
11    toxicity to milk weed."  Do you see that, sir?

12                   MR. PARISER:  Objection to form.

13                   THE WITNESS:  Yes.  And then it  
14    concludes, "The toxicity to milk weed, a critical  
15    resource for the Monarch butterfly.  We hope to  
16    issue the draft cancer risk assessment for public  
17    comment later in 2016."

18    BY MR. ESFANDIARY:

19                   Q     Right.  And this e-mail from Dan Jenkins  
20    to Ms. Overstreet is forwarded through various  
21    Monsanto employees, including yourself.  And you  
22    say, in an e-mail from April 21st, "Anne  
23    Overstreet says in her e-mail that she provided  
24    the shorter statement to Bloomberg on March 8th.  
25    The longer statement that I shared was provided by

1 EPA's Robert Daguillard to a publication called  
2 Farm World on April 19th. Anne's shorter  
3 statement refers to a draft risk assessment to be  
4 released in late 2016 for public comment.  
5 Robert's longer statement refers to a draft cancer  
6 risk assessment to be released in late 2016 for  
7 public comment. Are they referring to the same  
8 risk assessment or something different? Or is  
9 Anne talking about the PRA and Robert about the  
10 CARC?"

11 Do you see that?

12 A I do.

13 Q And then Mr. Jenkins' response to you,  
14 "Anne and I quite -- talked quite a bit today.  
15 What she was doing below is showing me what she  
16 had written for their press office use." Do you  
17 see that, sir?

18 A Yes.

19 Q Now, would the EPA and -- would the EPA  
20 regularly share press statements with Monsanto  
21 prior to issuing them to the rest of the world?

22 A No, but that doesn't seem to be  
23 what's -- what's happening here. In -- in looking  
24 through the entire chain, it looks like perhaps  
25 the statement that Mr. Jenkins originally sent to

1 Ms. Overstreet was something that I had seen in  
2 the Farm World publication.

3 That's -- and it looks like, then,  
4 Mr. Jenkins perhaps sent it to Ms. Overstreet to  
5 ask her to confirm if it was an accurate -- an  
6 accurate EPA statement, because then she comes  
7 back in that e-mail you were just reading from,  
8 the top, you know, she is demonstrating between  
9 the two versions, that the statement had been  
10 changed by someone down the line, and that the  
11 reference in the original longer statement to a  
12 public comment on the draft cancer risk assessment  
13 was inaccurate.

14 Q Did you prepare talking points in a  
15 meeting -- private meeting between Monsanto and  
16 Gina McCarthy, the former administrator of the  
17 EPA?

18 MR. PARISER: Objection to form.

19 THE WITNESS: I was -- I was involved in  
20 the preparation of talking points for a -- for a  
21 meeting with the administrator.

22 BY MR. ESFANDIARY:

23 Q And the meeting with the administrator  
24 was not open to public scrutiny, was it, sir?

25 A I --

1 MR. PARISER: Objection to form.

2 THE WITNESS: I don't understand what  
3 you mean by "public scrutiny."

4 BY MR. ESFANDIARY:

5 Q Were others from the public invited to  
6 observe the meeting between Monsanto and Gina  
7 McCarthy, the administrator of the EPA?

8 A No, my -- my understanding was that was  
9 not a -- not a public meeting, but the EPA meets  
10 with many different stakeholders on many different  
11 topics.

12 MR. ESFANDIARY: Exhibit No. 32.

13 (Murphey Exhibit No. 32 was marked  
14 for identification.)

15 BY MR. ESFANDIARY:

16 Q And it's an e-mail, MONGLY03550799, from  
17 David Heering to Samuel Murphy, 8-9-2016, and it's  
18 titled "Talking Points for Conversation with  
19 Gina." Gina referring to Ms. McCarthy, the former  
20 administrator of the EPA, correct?

21 A Yes, Administrator McCarthy.

22 Q Okay. So one of the talking points in  
23 the attachment there is -- well, first of all, was  
24 this created during the ordinary course of  
25 Monsanto business?



1 MR. PARISER: Objection to form.

2 THE WITNESS: Yes.

3 MR. ESFANDIARY: Okay, move this into  
4 evidence.

5 BY MR. ESFANDIARY:

6 Q The -- if you turn the page to the  
7 attachment, it says, "Suggested areas of focus for  
8 the conversation." And you say, "There is already  
9 enough for EPA to act without the Scientific  
10 Advisory Panel."

11 Do you see that, sir?

12 A Yes, I see that bullet point.

13 Q And then, at the bottom, it says, "Other  
14 countries are watching what both the EU and U.S.  
15 EPA are doing. They have relied upon product  
16 assessments by these two agencies for years to  
17 guide them in their own risk assessments." Do you  
18 see that, sir?

19 A I do.

20 Q So Monsanto was of the opinion that with  
21 respect -- you know, whatever the decision EPA  
22 makes with respect to glyphosate, other countries  
23 were bound to rely upon that, correct?

24 A Yes, my understanding from conversations  
25 with our scientific and regulatory experts, is

1 that the -- the USEPA and the European authorities  
2 are looked to by a number of other countries as --  
3 as models.

4 Q So if the EPA's glyphosate issue paper  
5 is, for the sake of a hypothetical, tainted by  
6 some undisclosed conflict of interest, would other  
7 countries then also be relying upon that  
8 glyphosate issue paper for their assessments of  
9 glyphosate?

10 MR. PARISER: Objection to form,  
11 improper hypothetical.

12 THE WITNESS: It's -- I -- I don't  
13 understand what you are asking, with regard to the  
14 potential tainting.

15 BY MR. ESFANDIARY:

16 Q Well, my question -- let me put it this  
17 way.

18 Would an undisclosed conflict of  
19 interest in the EPA's 2016 glyphosate issue paper  
20 have repercussions around the world, in terms of  
21 what other regulatory decisions -- regulatory  
22 agencies do with respect to glyphosate?

23 MR. PARISER: Same objections.

24 THE WITNESS: I'm -- I'm not aware of  
25 any conflict of interest within the issue paper,

1 so I can only reiterate that I do know that EPA  
2 assessments are looked at by many other countries  
3 around the world.

4 BY MR. ESFANDIARY:

5 Q Now, you testified earlier that you're  
6 aware of who Mr. Jess Roland was, correct?

7 A Yes, I'm aware that Mr. Rowland was an  
8 official at the EPA.

9 Q He was in the Office of Pesticide  
10 Programs, correct?

11 A That was my understanding.

12 Q And he helped coauthor, or was the lead  
13 chair on the CARC report, correct?

14 A Again, I know he was -- he was involved  
15 in the -- in the Cancer Assessment Review  
16 Committee. I'm -- I'm not familiar with his  
17 specific role.

18 Q Did Monsanto have a -- are you aware of  
19 whether Monsanto had a strong working relationship  
20 with Mr. Rowland during his tenure at the OPP?

21 A I was -- was aware that Monsanto  
22 employees occasionally interacted with Mr. Rowland  
23 in the course of business.

24 MR. ESFANDIARY: Was that Exhibit 32?

25 THE WITNESS: Yes, 32, sir.

1 MR. ESFANDIARY: So this is --

2 BY MR. ESFANDIARY:

3 Q Are you aware that right after IARC's  
4 initial announcement of its classification, the  
5 Agency for Toxic Diseases -- what is it, Toxic  
6 Substances and Disease Registry was also looking  
7 to review glyphosate?

8 A I was -- was aware that there had been  
9 conversations about a -- a possible review there.

10 Q And Monsanto was concerned about this  
11 review, correct?

12 MR. PARISER: Objection to form and  
13 foundation.

14 THE WITNESS: Yes, we were -- we were  
15 concerned, in that it would be a duplicative  
16 review by another agency, while the EPA was  
17 conducting its work. And the EPA is the federal  
18 agency charged with evaluating product -- products  
19 like glyphosate.

20 BY MR. ESFANDIARY:

21 Q Sir, you'd agree with me that an issue  
22 as serious as a product causing cancer warrants  
23 the most rigorous analysis and scrutiny as  
24 possible, correct?

25 A Yes, I do, by the -- by the agencies

1 charged with making those types of assessments.  
2 And with regard to glyphosate and pesticide  
3 products in the U.S., that agency is the USEPA.

4 Q Do you have any reason to doubt the  
5 ability of the ATSDR to perform a comprehensive  
6 analysis of glyphosate safety?

7 MR. PARISER: Objection to form and  
8 foundation.

9 THE WITNESS: I am not personally  
10 familiar with the ATSDR's capabilities, but I know  
11 that the EPA is specifically designed to make  
12 those types of assessments, with regard to  
13 pesticide products.

14 BY MR. ESFANDIARY:

15 Q So why would it be duplicative of the  
16 ATSDR to also assess the carcinogenicity of  
17 glyphosate?

18 A It would be duplicative, because the EPA  
19 was, at that very point in time, in the midst of  
20 its risk assessment work on glyphosate. And that  
21 was work that had been underway, again, as we've  
22 discussed, since 2009. The EPA had worked its way  
23 through all of that literature, so this would be a  
24 duplicative process beginning, while EPA's work  
25 was still underway.

1           Q       But why -- what would Monsanto lose by  
2     having the ATSDR also look at the potential  
3     carcinogenicity of glyphosate?

4                   MR. PARISER:  Objection to form.

5                   THE WITNESS:  It's not what Monsanto  
6     would have to lose.  It would be an inefficient  
7     use of government resources to have two reviews  
8     running in parallel, while the EPA was still  
9     conducting its work.

10    BY MR. ESFANDIARY:

11           Q       So your testimony to this jury is that  
12     the reason Monsanto was apprehensive about ATSDR  
13     performing a cancer review on glyphosate was  
14     because Monsanto was concerned with saving  
15     government resources?

16                   MR. PARISER:  Objection to form,  
17     argumentative.

18                   THE WITNESS:  No, we have -- we have a  
19     process in place in the United States, through the  
20     EPA, to conduct regulatory oversight of pesticide  
21     products.  The EPA was doing just that.  A second  
22     review by the ATSDR in the midst of EPA's work  
23     would be duplicative.

24    BY MR. ESFANDIARY:

25           Q       What's wrong with that?

1 MR. PARISER: Objection, argumentative.

2 THE WITNESS: In my -- in my view, we  
3 want government to operate as efficiently as  
4 possible. And when you have an agency that has  
5 the competence and the expertise to conduct a  
6 review, you should let it do its work.

7 BY MR. ESFANDIARY:

8 Q If you have multiple agencies that have  
9 the competence to conduct the review, wouldn't you  
10 want them to do it, to ensure the product truly is  
11 not carcinogenic?

12 MR. PARISER: Objection, lack of  
13 foundation, argumentative.

14 THE WITNESS: No, I -- I think when you  
15 have an agency with specialization in regulating a  
16 type of product, such as pesticides, that agency  
17 should take the lead and do its work within the  
18 scope of its remit.

19 BY MR. ESFANDIARY:

20 Q Mr. Murphey, is Monsanto against the  
21 notion of too many regulatory agencies reviewing  
22 glyphosate potential carcinogenicity?

23 MR. PARISER: Objection to form and  
24 foundation.

25 THE WITNESS: No, glyphosate has been

1 reviewed by regulatory agencies in numerous  
2 markets around the world.

3 We -- and we believe that the product  
4 should be reviewed by the competent regulatory  
5 authority for pesticides in those -- in those  
6 markets. In the case of the U.S. government, that  
7 agency is the EPA.

8 BY MR. ESFANDIARY:

9 Q Right. But you agree with me that the  
10 ATSDR is more than competent and able to review  
11 glyphosate, correct?

12 MR. PARISER: Objection -- objection,  
13 foundation.

14 THE WITNESS: Again, I'm not fully  
15 familiar with all of the capabilities within the  
16 ATSDR. I -- I don't have that insight. What I  
17 understand, based on my discussions and my work in  
18 the industry, is that the EPA is uniquely  
19 qualified and equipped to regulate pesticides.

20 BY MR. ESFANDIARY:

21 Q And -- okay, well, we'll go to the  
22 document. Well, did Monsanto try to stop the  
23 ATSDR review?

24 MR. PARISER: Objection, form and  
25 foundation.



1 THE WITNESS: My understanding was that  
2 once we became aware of the possibility of ATSDR  
3 review, we brought that to the attention of the  
4 EPA.

5 BY MR. ESFANDIARY:

6 Q My question was, did Monsanto try to  
7 stop the ATSDR review?

8 MR. PARISER: Same objections, asked and  
9 answered.

10 THE WITNESS: No, I think -- I think my  
11 understanding was, we flagged it for the EPA as  
12 something that they might want to look into,  
13 again, because their review process was underway,  
14 and now there was the possibility of a second  
15 agency coming in, we thought that might be  
16 something the EPA would want to look into.

17 BY MR. ESFANDIARY:

18 Q Did you flag it to the EPA in the hope  
19 that the EPA would ask the ATSDR to not go ahead  
20 with its review?

21 MR. PARISER: Same objections.

22 THE WITNESS: Again, I think -- my  
23 understanding was we wanted the EPA to look into  
24 what was happening. And then it would be the  
25 EPA's decision to do whatever it saw fit. But we

1 did not see the need for a duplicative review,  
2 separate from the work that EPA was doing.

3 BY MR. ESFANDIARY:

4 Q So Monsanto's wish was for the ATSDR  
5 review to not proceed, correct?

6 MR. PARISER: Objection to form,  
7 foundation, and asked and answered.

8 THE WITNESS: Our wish -- no, our wish  
9 was for the EPA to conduct its work, and to  
10 publish its preliminary risk assessment. And  
11 again, we saw a secondary review by another agency  
12 would be duplicative to that process.

13 BY MR. ESFANDIARY:

14 Q So as you just said, if Monsanto thought  
15 the process would be duplicative, Monsanto did not  
16 want the ATSDR to proceed with its review,  
17 correct?

18 A Correct.

19 MR. PARISER: Objection, asked and  
20 answered.

21 THE WITNESS: We wanted the EPA to do  
22 its work. The EPA is the regulatory authority on  
23 pesticides in the U.S.

24 BY MR. ESFANDIARY:

25 Q So just so the record is clear, Monsanto



[illegible]





[illegible]











[illegible]



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3 Q And, Mr. Murphey, are you an attorney?

4 A No.

5 Q Is Mr. Rands an attorney?

6 A Yes.

7 Q And is -- Melissa Duncan, she's not an  
8 attorney either, correct?

9 A No, Ms. -- Ms. Duncan is a lawyer.

10 Q Okay. Did you have any knowledge about  
11 Ms. Kelland's request?

12 A No.

13 Q Prior to this e-mail, had you been in  
14 communication with Ms. Kelland?

15 A Maybe once or twice, just in -- in  
16 response to an inquiry, but I -- I don't recall  
17 any interaction with her prior to this.

18 Q Did you ever send Ms. Kelland materials  
19 to be worked into published articles that were not  
20 solicited by her?

21 MR. PARISER: Objection to form.

22 THE WITNESS: Yes, there were occasions  
23 where I reached out to Ms. Kelland to discuss --  
24 to discuss some information and concepts with her.

25 BY MR. ESFANDIARY:

1           Q     Do you -- does Monsanto perceive  
2     Ms. Kelland to be a favorable ally in  
3     communicating about Roundup safety?

4           MR. PARISER:  Objection to form.

5           THE WITNESS:  No, I consider Ms. Kelland  
6     to be a highly professional journalist, with an  
7     extensive background in covering scientific and  
8     medical topics.

9     BY MR. ESFANDIARY:

10          Q     You previously sent Ms. Kelland  
11     information about the Working Group 112,  
12     specifically a member of Working Group 112,  
13     Dr. Aaron Blair, correct?

14          A     Yes.

15          Q     And that information was then turned  
16     into a Reuters published piece, correct?

17          MR. PARISER:  Objection to form.

18          THE WITNESS:  Yes, I reached out to  
19     Ms. Kelland, and provided some background  
20     information and some documents to her, for her to  
21     review and analyze.  And, ultimately, she and her  
22     editors made the decision to run a story.

23     BY MR. ESFANDIARY:

24          Q     And why did you specifically reach out  
25     to Ms. Kelland?

1           A       I -- again, having been aware of, you  
2     know, this request, and the fact that, you know,  
3     she had written about glyphosate, I thought it  
4     might be information that would be of interest to  
5     her. And I thought that she might have, you know,  
6     more context on IARC as an organization than, you  
7     know, a reporter who covered something other than  
8     science and medical issues.

9           Q       When you sent that information to  
10    Ms. Kelland to be turned into a story in Reuters,  
11    did the final story disclose the fact that the  
12    information had come from Monsanto Company?

13                   MR. PARISER:  Objection to form.

14                   THE WITNESS:  I -- no, the story doesn't  
15    specifically state that documents were provided by  
16    Monsanto, although it certainly did make clear  
17    that they were documents relevant to this  
18    litigation, and Monsanto was quoted in the story.

19                   (Murphey Exhibit No. 36 was marked  
20    for identification.)

21    BY MR. ESFANDIARY:

22           Q       I'm marking as Exhibit 36, an e-mail  
23    from yourself to Ms. Kelland. And it's not just  
24    to -- well, the initial e-mail dated April 27,  
25    2017 is to Ms. Kelland from yourself, regarding



1 your voicemail. And it's MONGLY07575511. And  
2 then you forward that e-mail to Mr. Rands.

3 And in the e-mail to Ms. Kelland, you  
4 say, "I am passing along a background summary  
5 deck; the deposition testimony of the IARC Chair,  
6 Aaron Blair, and a number of additional documents  
7 will follow. We are sending these exclusively to  
8 you for your review."

9 A Yes.

10 Q You didn't send this information to  
11 anyone else?

12 A No. At this point in time, I was  
13 sharing it with -- with Ms. Kelland.

14 Q You say, "Please treat the summary deck  
15 as background information, but the quotes from our  
16 VP of strategy, Scott Partridge, is on the  
17 record." Why did you want Ms. Kelland to treat  
18 the materials you had sent her about Dr. Blair and  
19 IARC as background information?

20 MR. PARISER: Objection to form.

21 THE WITNESS: I was sending Ms. Kelland  
22 a number of documents, including the deposition,  
23 which was several hundred pages long. And so I  
24 had pulled together the background information and  
25 the summary deck to help point her to some

1 specific citations within those underlying  
2 documents.

3 BY MR. ESFANDIARY:

4 Q Well, what I'm struggling to understand,  
5 Mr. Murphey, is, you send these -- you send  
6 Dr. Blair's deposition to Ms. Kelland, correct?

7 A Yes.

8 Q Right? And you also say in your e-mail,  
9 "The deposition and other documents clearly show  
10 that Dr. Blair concealed information from the IARC  
11 working group that showed no link between  
12 glyphosate and cancer," correct?

13 A That's correct.

14 Q And then I went to Ms. Kelland's  
15 article, and I couldn't find a single quote,  
16 direct quote from the deposition testimony of  
17 Dr. Blair. Do you know why?

18 A I don't recall whether there are  
19 specific quotes from the deposition testimony or  
20 not.

21 Q But see, why I'm confused is, you're  
22 saying that the -- if the deposition clearly shows  
23 that Dr. Blair concealed information from the IARC  
24 working group, why would Ms. Kelland not quote  
25 that in the article?

1 MR. PARISER: Objection, lack of  
2 foundation.

3 THE WITNESS: I think Ms. Kelland's  
4 article makes clear that at the point in time that  
5 Dr. Blair was Chair of the IARC working group, he  
6 had in his possession updated Agricultural Health  
7 Study data, and that data was not shared with the  
8 IARC working group.

9 BY MR. ESFANDIARY:

10 Q Mr. Murphey, nowhere in Ms. Kelland's  
11 article does she quote Dr. Blair -- any portion of  
12 Dr. Blair's testimony purporting to show that he  
13 hid information from IARC. Do you agree with me  
14 on that, sir?

15 MR. PARISER: Objection.

16 BY MR. ESFANDIARY:

17 Q I can show you the article, if you'd  
18 like -- if you'd like.

19 A I would -- I would need to read the  
20 article again to familiarize myself with that.

21 Q Absolutely.

22 A But I will say, the article makes very  
23 clear that the draft manuscripts existed, and that  
24 they had not been published, nor were they shared  
25 with the working group, prior to the meeting.

1 (Morphey Exhibit No. 37 was marked  
2 for identification.)

3 BY MR. ESFANDIARY:

4 Q I'm marking as Exhibit No. 37 to your  
5 deposition there, sir, there's -- the report, or  
6 rather the article by Ms. Kelland published in  
7 Reuters on June 17th, 2017, sir. And that is just  
8 around three or four months after you sent the  
9 background materials to Ms. Kelland, correct?

10 A That would be just over -- just under  
11 two months.

12 Q Two months, yes. And this article --  
13 you've read it before, correct, sir?

14 A Yes.

15 Q Okay. Can you show the jury exactly  
16 where in here, Ms. Kelland quotes Dr. Blair, where  
17 he says that he withheld information from the IARC  
18 working group?

19 A So I see multiple references here in the  
20 article to the fact that the data weren't  
21 published, multiple justifications were -- were  
22 given, and that the -- there's acknowledgement  
23 that the data were not available to the committee  
24 itself.

25 Q In Ms. Kelland's words, correct, sir?

1           A     Correct.

2           Q     So nowhere in that article is there a  
3     quote from the deposition of Dr. Blair, indicating  
4     that Dr. Blair misled anyone on IARC, correct,  
5     sir?

6                     MR. PARISER:  Objection to form.

7                     THE WITNESS:  No, the -- the article  
8     reflects the fact that the data existed, that  
9     the -- that the data had been reviewed.  There is  
10    discussion from individuals involved in the  
11    Agricultural Health Study that it would be  
12    irresponsible if they didn't seek publication of  
13    the manuscript prior to IARC's decision, but I  
14    don't see a direct quote from the deposition.

15    BY MR. ESFANDIARY:

16           Q     Right.  And when you say the  
17    deposition -- when you write to Ms. Kelland  
18    saying, "The deposition and other documents  
19    clearly show that Dr. Blair concealed  
20    information," and -- at the same time, you're  
21    asking her to "please treat the summary deck as  
22    background information," can you please explain  
23    why you decided to ask Ms. Kelland to treat the  
24    background deck as -- the summary deck as  
25    background information and not quote from it?

1 MR. PARISER: Objection to form.

2 THE WITNESS: Again, the -- the  
3 background -- the summary deck itself was designed  
4 to help Ms. Kelland work her way through the  
5 documents. As a journalist, I knew she was going  
6 to take her time and read and review everything on  
7 her own, but I wanted to flag for her key -- key  
8 facts and key quotes from the documents.

9 To give an example, you know, I cite a  
10 quote from page 178 of the deposition, you know,  
11 where Dr. Blair was asked, "And did you alert any  
12 of your fellow working group members, or any other  
13 members of the subgroup on epidemiology at IARC  
14 about the fact that this much larger AHS cohort  
15 study, with a larger follow -- a larger time of  
16 follow-up and higher levels of exposure had been  
17 conducted?

18 "Answer: No."

19 So I was pointing her to those types of  
20 references throughout the documents, so that she  
21 could review them, and decide whether those were  
22 individual quotes that she wanted to include.

23 BY MR. ESFANDIARY:

24 Q And you didn't point her to the parts  
25 where Dr. Blair explains the reasons for why the

1 AHS results had not been published by the time of  
2 the monograph, correct, sir?

3 A Ms. Kelland talks about multiple reasons  
4 in the story. That they made the decision to  
5 publish some other pieces of data, but felt that  
6 the section on glyphosate wouldn't fit. I  
7 don't -- I don't understand those decisions, but  
8 that type of explanation is included in her story.

9 Q Okay. But ultimately, you don't  
10 understand the decisions for why the preliminary  
11 results were not published, correct, sir?

12 A No, I -- I think an explanation, such as  
13 is given in here, that -- you know, that there  
14 were space constraints, or that it was too much  
15 data for one publication, I -- that doesn't make  
16 sense to me.

17 Q Mr. Murphey, what's the name of the  
18 publication, the preliminary AHS publication?

19 A I would have to go back and review  
20 the -- the title of the draft.

21 Q Okay. When was the initial draft put  
22 together, sir?

23 A My recollection was that the draft that  
24 Dr. Blair had in his possession was from 2013.

25 Q Are you aware that it was incomplete?

1           A     No. My -- it was -- it was a  
2     publication that was well -- well in the process  
3     of development. We're now talking about an IARC  
4     meeting that occurred two years after that data  
5     was collected in manuscript form.

6           Q     So you don't know -- and you testified  
7     earlier that you don't know anything about the  
8     process leading up to the publication, but at the  
9     same time, you're comfortable testifying that  
10    Dr. Blair misled the IARC working group on the  
11    data?

12                   MR. PARISER: Objection to form.

13                   THE WITNESS: I think there's  
14    significant questions that needed to be answered  
15    here. You know, why -- why weren't the data  
16    published in advance of the working group meeting?  
17    If Dr. Blair was aware of the larger data set that  
18    existed, why wasn't the IARC meeting delayed to  
19    let that important data be considered?

20                   There -- there were multiple lines of  
21    inquiry that we thought were appropriate to bring  
22    to a reporter to analyze for herself.

23    BY MR. ESFANDIARY:

24           Q     These are questions that you have, but  
25    does it show that Dr. Blair clearly misled the



1 IARC working group?

2 A I think the fact that the data existed,  
3 that the data were in Dr. Blair's possession, that  
4 the working group was allowed to rely on an older  
5 and smaller version of the data, I think that is  
6 concealment.

7 Q Even though the data has not been  
8 completed yet, correct?

9 MR. PARISER: Objection, asked and  
10 answered.

11 THE WITNESS: Well, it has been now. It  
12 was -- it was published in the Journal of the  
13 National Cancer Institute.

14 BY MR. ESFANDIARY:

15 Q What year?

16 A It was late 2017.

17 Q How many years after the IARC monograph  
18 is that?

19 A Well, more than two.

20 Q So the data was finally complete two  
21 years after the IARC monograph, correct, sir?

22 MR. PARISER: Objection. Objection to  
23 form.

24 THE WITNESS: I -- I can't explain why  
25 there was -- why there was such a delay. We

1 thought it was critically important that that  
2 draft manuscript come to light, so that it  
3 ultimately could be published.

4 BY MR. ESFANDIARY:

5 Q Well, at the time when the IARC  
6 monograph was reviewing glyphosate, the  
7 preliminary AHS data was incomplete. Do you  
8 understand that, sir?

9 MR. PARISER: Objection to form.

10 THE WITNESS: I -- I can't speak to its  
11 completeness, one way or another. But what I know  
12 is that there was a -- a relative -- a detailed  
13 manuscript that had been prepared. There was  
14 discussion among members of the AHS about whether  
15 it should be published. Again, Ms. Kelland cites  
16 e-mail correspondence saying it would be  
17 irresponsible not to get this published prior to  
18 the IARC meeting. I think there are very  
19 legitimate questions about why that didn't occur.

20 BY MR. ESFANDIARY:

21 Q Legitimate questions, though, are not  
22 equivalent to clearly misleading the working  
23 group, correct, sir?

24 MR. PARISER: Objection, argumentative,  
25 asked and answered.

1 THE WITNESS: No. As I have -- as I  
2 have said, I believe that not divulging that  
3 information to the working group was concealing  
4 and was misleading.

5 BY MR. ESFANDIARY:

6 Q You do realize that IARC only considers  
7 complete, fully published, transparent,  
8 independent data. Are you aware of that, sir?

9 MR. PARISER: Objection to form.

10 THE WITNESS: I'm aware that that is  
11 outlined as a -- as a guideline for IARC. And  
12 again, I think that's why the question raised by  
13 Dr. Alavanja is so relevant. Get the data  
14 published before the IARC meeting.

15 BY MR. ESFANDIARY:

16 Q Right. But you -- in terms of IARC's  
17 protocol, it cannot consider incomplete data. Are  
18 you aware of that?

19 A My understanding is, yes, that -- that  
20 IARC relies on -- relies on published, publicly  
21 available data. I think there are significant  
22 questions about why a taxpayer-funded study that  
23 contained the largest data set looking at  
24 glyphosate and cancer had not been published, and  
25 why an IARC working group meeting went forward,

1 when the chair of that working group knew that  
2 there was a data set regarding glyphosate, and  
3 could have flagged that and said, Look, maybe we  
4 should delay our working group meeting to allow  
5 that data to be published.

6 Q Is it your testimony to this jury that  
7 Dr. Blair is responsible for when and under what  
8 circumstances the AHS would be published?

9 A No, I -- I can't testify to that either  
10 way. I know Dr. Blair was involved in the study.  
11 I'm not aware of his particular role.

12 Q Mr. Murphey, what is -- and I'm  
13 struggling to pronounce this -- Hakluyt? It's  
14 H-A-K-L-U-Y-T.

15 A I'm not -- could you allow me to see it  
16 in context?

17 Q I believe it's an organization. Are you  
18 familiar with an organization that is called  
19 Hakluyt?

20 A Offhand, I'm -- I'm not sure what  
21 organization that is.

■ ■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

11 Q Okay. That's fine. You can put that  
12 aside.

13 MR. ESFANDIARY: Why don't we take a  
14 five-minute break, so I can review my notes.

15 MR. PARISER: Sure.

16 MR. ESFANDIARY: I think I'm almost  
17 done.

18 MR. PARISER: Okay.

19 THE VIDEOGRAPHER: The time is 5:03 p.m.  
20 We're going off the record.

21 (Recess.)

22 THE VIDEOGRAPHER: The time is 5:12  
23 p.m., and we're back on the record.

[illegible]

[illegible]

[illegible]

























- [illegible]

[illegible]

















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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

14 BY MR. ESFANDIARY:

15 Q Are you aware of the recent corrigenda  
16 that had been published in the journal which  
17 published the expert reports?

18 A I -- I am aware that the -- the authors  
19 worked with the editors at the -- at the journal  
20 to update the -- the disclosures.

21 Q And they needed to update the  
22 disclosures because the prior disclosures did not  
23 adequately disclose Monsanto's involvement in the  
24 drafting of the publications, correct?

25 MR. PARISER: Objection to form and



1 foundation.

2 THE WITNESS: No, my -- my understanding  
3 is that while Monsanto's sponsorship of the panel  
4 was disclosed from the start, and while the views  
5 expressed -- the conclusions and the views  
6 expressed in the papers are those of the panel  
7 members alone, and that has not changed, there was  
8 some review of drafts by Monsanto personnel. And  
9 that was appropriate to -- it was appropriate to  
10 update the disclosures to reflect that.

11 BY MR. ESFANDIARY:

12 Q How many years after the papers were  
13 published did that corrigenda occur?

14 MR. PARISER: Objection, lack of  
15 foundation.

16 THE WITNESS: I can't recall when --  
17 when the papers were first published.

18 BY MR. ESFANDIARY:

19 Q Well, I'll represent to you that the  
20 papers were first published in 2016, and the  
21 corrigenda came out in 2018.

22 A That sounds right to me.

23 Q Do you know what prompted the  
24 corrigenda?

25 A I believe it was some of the documents

1 that were disclosed in this -- this litigation.  
2 And after those documents were -- were disclosed,  
3 there were conversations between the authors and  
4 the editors, and the decision was made to update  
5 the disclosures.

6 Q So it had to take the public release of  
7 internal Monsanto documents for Monsanto to get  
8 together with the authors and put together a  
9 corrigenda to acknowledge that Monsanto did have a  
10 larger role than initially represented in the  
11 disclosure of interest, correct, sir?

12 MR. PARISER: Objection to form and  
13 foundation.

14 THE WITNESS: No, I -- my understanding  
15 was that the contributions made by Monsanto  
16 individuals were non-substantive in their scope.  
17 It was appropriate to update the disclosures. And  
18 so once those documents were available, again, the  
19 authors worked with the editors to update -- to  
20 update the disclosures.

21 BY MR. ESFANDIARY:

22 Q Why didn't Monsanto initially ensure  
23 that the disclosures were accurate? Why did it  
24 wait two years to do so?

25 MR. PARISER: Objection to form, and

1 lack of foundation.

2 THE WITNESS: I -- I can't speak to  
3 that. I was not involved in discussions with --  
4 with my technical colleagues, or certainly with  
5 the authors themselves about the disclosures.

6 BY MR. ESFANDIARY:

7 Q So you agree that the original  
8 disclosures were inadequate, in light of the  
9 corrigenda, correct, sir?

10 MR. PARISER: Objection to form and  
11 foundation.

12 THE WITNESS: Again, I -- I was not  
13 party to those discussions. The decision on  
14 the -- the updates was made by the editors of the  
15 journal and the authors of the manuscripts.

16 BY MR. ESFANDIARY:

17 Q Did you talk to Bill Heydens about the  
18 publications when he was editing -- editing them?

19 A I know I had a few conversations with  
20 Dr. Heydens throughout the process, but I don't  
21 recall at what specific point in the process that  
22 was.

23 Q Did you --

24 MR. PARISER: Belated objection to form.

25 BY MR. ESFANDIARY:

1           Q     Did you see any drafts of the expert  
2 panel manuscript, sir?

3           A     I don't believe so.

4           MR. ESFANDIARY:   Okay.   I don't have any  
5 more questions for you.

6           MR. PARISER:   Pass the -- pass the  
7 witness?

8           MR. ESFANDIARY:   Yes, I'm passing the  
9 witness.

10          MR. PARISER:   Let's go off the record  
11 briefly, please.

12          THE VIDEOGRAPHER:   The time is 6:10 p.m.  
13 We're going off the record.

14          (Recess.)

15          THE VIDEOGRAPHER:   The time is 6:11  
16 p.m., and we're back on the record.

17          MR. PARISER:   So, Counsel, just so it's  
18 clear, I'm going to be asking the witness these  
19 questions in his personal capacity, all of the  
20 questions.   To the extent I am also asking him  
21 questions in his capacity as a 30(b)(6) witness, I  
22 will specifically so indicate.

23          EXAMINATION BY COUNSEL FOR DEFENDANTS

24          BY MR. PARISER:

25          Q     Now, Mr. Murphey, can you please tell us

1 where you grew up?

2 A Yes, sir, I grew up in the town of  
3 Rolla, Missouri. It's in the south central part  
4 of the state.

5 Q Is it a small town?

6 A It is. It's a relatively small town.  
7 15- or 20,000 people. There's a university  
8 located there.

9 Q And can you tell us a little bit about  
10 your educational background, please?

11 A Yes. I attended the public schools in  
12 Rolla, Missouri, graduated from high school there.  
13 I then attended Truman State University, in  
14 Kirksville, Missouri, where I studied  
15 communication and journalism. And then I did,  
16 briefly, some graduate work at the University of  
17 Missouri in Columbia, also in journalism, but I  
18 did not finish that degree.

19 Q Okay. And after you left school, what  
20 was your work?

21 A After I -- after I left school, I went  
22 to work in Democratic politics, in Missouri. I  
23 worked for the Missouri Democratic Party. I was  
24 involved in some political races there. And I  
25 ultimately went to work for then Attorney General

1 Jay Nixon, a Democrat who was running for governor  
2 of Missouri at the time. And I ended up working  
3 for the attorney general, then governor, for --  
4 for a number of years.

5 Q And when did you join Monsanto?

6 A January of 2013.

7 Q And when did you first start working on  
8 glyphosate?

9 A It was sometime later. It would have  
10 been late spring, early summer of 2015.

11 Q Can you just describe, generally, what  
12 your public affairs work on glyphosate was? What  
13 did it consist of?

14 A Yes, my team and I largely focused on  
15 public communications around -- around glyphosate,  
16 and other products in our herbicide portfolio. We  
17 were involved in crafting communication pieces,  
18 engaging with reporters, engaging with  
19 stakeholders, and helping them understand the  
20 safety and the benefits of our products.

21 Q And why, Mr. Murphey, did you decide to  
22 work at Monsanto?

23 A I came to work at Monsanto because I  
24 wanted to stay in the -- in the Midwest at the  
25 time. My family continues to be in the -- in

1 Rolla. And I knew -- I knew of Monsanto because  
2 of my work in state government. They were a  
3 company that worked on topics that I thought were  
4 interesting and important. I also knew they were  
5 highly regarded as a -- as an active member of the  
6 civic community, and I thought it would be a -- a  
7 very rewarding place to work.

8 Q Now, am I correct, Mr. Murphey, that  
9 you're not a scientist?

10 A That's correct.

11 Q But in connection with your -- your work  
12 on glyphosate, have you interacted with  
13 scientists?

14 A Yes, I have frequently.

15 Q And do you rely on those scientists to  
16 provide information to you about the safety and  
17 benefits of the products, so you can communicate  
18 about it?

19 A Yes, I do.

20 Q And have you formed your own view of the  
21 safety of Roundup, based on those discussions?

22 A I have.

23 Q What is that view?

24 A Based on the conversations that I've had  
25 with a number of Monsanto scientists about the

1 data, I am very confident that glyphosate, and  
2 glyphosate-based products, are safe for use. I'm  
3 also confident that they are not carcinogenic.  
4 But I also believe very much that these are  
5 products that are extremely valuable for our  
6 farmer customers and other users around the  
7 world.

8 Q Why do you believe that Roundup is so  
9 valuable?

10 A To give you just one example, I'd point  
11 back to some of the conversation we were having  
12 earlier -- earlier today, around "no till," or  
13 conservation tillage farming, a practice when  
14 farmers are able to plant a crop, harvest it,  
15 apply glyphosate over the field, once they have --  
16 once they have harvested, to clean that field.

17 They can do the same in the spring to  
18 remove a cover crop. And they are able to do that  
19 without turning the soil, without driving a  
20 tractor or plow over that field multiple times.  
21 That reduces diesel emissions. That helps farmers  
22 improve their soil health. It helps them  
23 sequester carbon in the soil. And it's just --  
24 it's very beneficial for sustainable agriculture.

25 Q And do you think it's important for



1 Monsanto to share with the media and the public  
2 its view of the safety and benefits of Roundup?

3 A Yes, I do.

4 Q Why is that?

5 A I think, unfortunately, Monsanto, for  
6 some people, was a name that was laden with a lot  
7 of emotion. And in media stories about our  
8 company and our products, that that emotion often  
9 led to inaccurate information being contained in  
10 the stories, misinformation that we needed to  
11 correct. And so I think one of my team's  
12 important responsibilities was to reach out to  
13 reporters to try to build relationships, so that  
14 we could provide accurate information in those  
15 stories going forward.

16 Q The next questions that I'm going to ask  
17 you are both in your personal capacity and in your  
18 capacity as a 30(b)(6) witness, for the record.

19 MR. ESFANDIARY: I'm just going to  
20 object. So you're going to indicate which portion  
21 of your line of testimony is going to be in his  
22 individual capacity, and in his capacity as a  
23 representative of Monsanto, because I have no way  
24 of knowing.

25 MR. PARISER: That's what I've just

1     said.

2                   MR. ESFANDIARY:   So you're going to --

3                   MR. PARISER:   Everything that just  
4     preceded this was in his individual capacity.   The  
5     following questions are going to be in both  
6     capacities.   And then I will indicate when he's  
7     shifting back to his individual capacity.

8                   MR. ESFANDIARY:   But if the following  
9     questions are going to be in both capacities, how  
10    am I supposed to know which question is relating  
11    to what capacity?

12                  MR. PARISER:   They're both -- both  
13    capacities.

14                  MR. ESFANDIARY:   Okay.   So each question  
15    is relating to both his individual knowledge  
16    and --

17                  MR. PARISER:   Correct.

18                  MR. ESFANDIARY:   Okay, gotcha.

19   BY MR. PARISER:

20               Q     Mr. Murphey, in public statements that  
21    you were involved in making, was it the company's  
22    position that IARC's decision was wrong?

23               A     Yes.

24               Q     And what reasons, among others, have the  
25    company given to support its position about why

1 IARC's decision was wrong?

2           A       Again, my understanding, based on  
3 conversations with our scientists, is that there  
4 were multiple deficiencies in the -- in the IARC  
5 opinion, you know, such as the fact that the IARC  
6 opinion excluded important data, some of the  
7 animal studies and other information. That it,  
8 again, looked at incomplete information. And  
9 also, as we discussed earlier, the largest and  
10 most robust epidemiology data set from the U.S.  
11 Agricultural Health Study was not available to the  
12 panel members.

13               MR. ESFANDIARY: I'm just going to  
14 insert a belated objection, with respect to this  
15 questioning being both in his individual and  
16 representative capacity. Are you willing to  
17 stipulate on the record that whatever answers he  
18 is giving here in response to your questions also  
19 binds the company?

20               MR. PARISER: This is -- these questions  
21 are asking him for opinions that are in his  
22 capacity as a 30(b)(6) witness. So if he answers  
23 within the scope of the questions, that would be  
24 true.

25               MR. ESFANDIARY: So -- but at the same

1 time, you're able to ask him questions that you  
2 could argue are not binding on the company,  
3 because you have designated this portion as both  
4 individual capacity and 30(b)(6) capacity?

5 MR. PARISER: No, all -- all I'm saying  
6 is, I don't want you to be able to say, for  
7 example, I'm not going to play the 30(b)(6)  
8 deposition after all. And then suddenly these  
9 questions don't count anymore. That's all I'm  
10 getting at.

11 MR. ESFANDIARY: All right. Well, I'm  
12 just going to have a running objection to it, but  
13 go ahead.

14 MR. PARISER: Okay.

15 BY MR. PARISER:

16 Q Were additional reasons the company has  
17 given to support its position to the media about  
18 why IARC decision's was mistaken was that it  
19 conflicted with the decision of regulatory bodies  
20 around the world, including the EPA?

21 A Yes, that's a point we -- we made  
22 frequently, was that the IARC -- the IARC opinion  
23 is an outlier from the opinions of the USEPA,  
24 regulators in Europe and Canada, and elsewhere  
25 around the world.

1 Q And were the statements you just  
2 discussed that were made to the media about IARC  
3 consistent with the views expressed to you by  
4 scientists in the company?

5 A Yes.

6 Q And in your view, was there anything  
7 wrong or inappropriate in the company publicizing  
8 its view about IARC?

9 A No, I think we had important --  
10 important questions to ask, and legitimate  
11 concerns about the IARC opinion, what an outlier  
12 it was from agencies around the world. And I  
13 think it was both important and appropriate that  
14 we raised those concerns publicly.

15 Q Now, you were asked about something  
16 called Let Nothing Go. Do you remember that  
17 questioning?

18 A I do.

19 Q Just briefly, what was the Let Nothing  
20 Go campaign or initiative?

21 A So the Let Nothing Go program or effort  
22 was an initiative in the European Union, in  
23 certain markets there, where we had a limited  
24 public affairs team in place. And the Let Nothing  
25 Go effort was -- was designed to do media

1 monitoring in certain markets in the European  
2 Union, to identify stories that were incomplete or  
3 contained inaccurate or misleading information  
4 about the company, or its products.

5 And then to review those articles, and  
6 then to have someone, either from Monsanto or from  
7 our public affairs agency, reach out to those  
8 reporters, provide a statement or a clarification,  
9 or other resources, and to invite those reporters  
10 to reach out to the company in the future.

11 Q And was the Let Nothing Go campaign or  
12 initiative intended to smear or attack people or  
13 groups who had different groups than the company?

14 A No. As I described, the purpose of the  
15 Let Nothing Go effort was to engage with  
16 reporters, to provide context. And -- and our  
17 hope was that, over time, it would move the  
18 balance of coverage in Europe in a better  
19 direction. It would help -- help that coverage be  
20 more accurate.

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[REDACTED]

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[REDACTED]

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[REDACTED]

21           Q     Okay. The following questions, for the  
22     record, are going to be in the witness's  
23     individual capacity only.

24                     Now, Mr. Murphey, you were asked some  
25     questions during the deposition about some media

1 efforts in Europe. Do you remember those  
2 questions?

3 A Yes.

4 Q I believe you explained that in Europe,  
5 there was a -- sort of a two-step process with  
6 regard to renewal of glyphosate. Can you explain  
7 that, please?

8 A Yes, the process in the European Union  
9 for the renewal of any pesticide product,  
10 glyphosate is just one example, has -- has  
11 multiple phases. There's -- first, the -- the  
12 scientific work that has to be done by a  
13 Rapporteur member state. So in the case of  
14 glyphosate, that was Germany, and the BfR, the  
15 Germany Federal Institute for Risk Assessment.  
16 And then that is reviewed by the European Food  
17 Safety Authority. So that -- that is the  
18 scientific phase of the evaluation of the product.  
19 Once that is complete, there's a second  
20 phase, where representatives of the member states  
21 of the European Union come together in a standing  
22 committee, and they vote to actually reauthorize  
23 the active ingredient.

24 Q And to your knowledge, what have the  
25 regulators, the scientific bodies in Europe, said



1 about the safety of glyphosate?

2 A My understanding is that the -- whether  
3 it's the Germany BfR, or the European Food Safety  
4 Authority, or subsequently, the European Chemicals  
5 Agency, which also conducted a review, have all  
6 found that glyphosate is -- is safe for use, and  
7 not carcinogenic.

8 Q And is it fair to say that, in your  
9 view, that was a decision or decisions that were  
10 based on the science, as opposed to public affairs  
11 work?

12 A That's correct. My -- my understanding  
13 is that those agencies are -- they're scientific  
14 bodies with -- with experts who are capable of --  
15 and charged with reviewing the robust regulatory  
16 studies that are submitted to them.

17 Q All right. And then there was a  
18 political process you testified, which followed  
19 that scientific review; is that right?

20 A That's correct.

21 Q And is there anything wrong, in your  
22 view, with Monsanto participating in that public  
23 political process?

24 A No. And, in fact, I think it was  
25 important that we -- that we did so. There --

1 there was a significant amount of media attention  
2 to the glyphosate renewal -- renewal process.  
3 There -- there -- again, there were groups that  
4 were, you know, purposefully trying to influence  
5 the media, and influence negative stories about  
6 the product. And so it was important, we thought,  
7 to reach out, to engage with reporters, and to try  
8 to ensure that coverage about glyphosate was  
9 balanced.

10 Q Now, there was some questioning during  
11 the course of the deposition involving documents  
12 that used a term "FTO," or freedom to operate.

13 Do you remember that word coming up?

14 A I do.

15 Q Are you aware of Monsanto having a  
16 single definition of the term or word "FTO," or  
17 freedom to operate?

18 A No, I think freedom to operate is a --  
19 is a term that probably has varied meanings from  
20 individual to individual, and based on the context  
21 of a particular discussion.

22 Q What does FTO, or freedom to operate,  
23 mean to you?

24 A In my understanding, freedom to operate  
25 for our company, and we are a company in a -- in a

1 regulated industry, freedom to operate, to me,  
2 means that we can invent and conduct regulatory  
3 studies, seek regulatory approval for our  
4 products, ensure that regulators are able to  
5 assess the safety of those products, and allow  
6 them to be placed onto the market, and then for us  
7 to sell those products to our customers, and to  
8 ensure that those products are used correctly  
9 throughout their life cycle.

10 Q Now, you were asked some questions about  
11 why Monsanto did not perform a two-year cancer  
12 study in rats of its formulated product.

13 Do you remember those questions?

14 A I do.

15 Q And would you defer to Monsanto's  
16 scientists and others to answer that sort of  
17 question?

18 A I would have to, yes.

19 Q Are you aware, generally, however, of a  
20 study called the AHS, or Agricultural Health  
21 Study?

22 A I am.

23 Q What, in general, is that study?

24 A So my understanding of the U.S.  
25 Agricultural Health Study is that it is a very

1 large-scale epidemiology study that looked into  
2 the real world use of pesticide products by  
3 pesticide applicators in the U.S., and looked for  
4 connections between pesticide use and specific  
5 health conditions.

6 Q And so to your knowledge, was that a  
7 study of exposure to the formulated product and  
8 people in the real world?

9 A Yes, that would be a study that looked  
10 at the real world use of -- of formulated  
11 products.

12 Q Now, do you recall some testimony  
13 earlier about Monsanto engaging with third parties  
14 as part of its media efforts?

15 A Yes.

16 Q Can you -- can you just explain what  
17 that means in the public affairs world, engaging  
18 with third parties?

19 A So a third party or a stakeholder, in  
20 general, is someone who, you know, has a -- is --  
21 is relevant to the company. So that could be a  
22 customer group, it could be, in our case, a grower  
23 group, or a commodity organization. You know,  
24 people who have -- have an interest in the company  
25 and its products, and the value that those

1 products provide to those -- to those individuals.

2 And so it's fairly common practice for  
3 us to engage with those groups, to provide  
4 information to them, and in certain circumstances,  
5 to partner with them and work together, when there  
6 are matters of shared interest.

7 Q And do you feel that there's anything  
8 wrong or inappropriate about doing that?

9 A No, I don't.

10 Q Now, you were asked some questions about  
11 a Reuters article written by a reporter named Kate  
12 Kelland. Do you recall those questions?

13 A I do.

14 Q And the article in question involved the  
15 AHS study we were just talking about; is that  
16 right?

17 A It did.

18 Q Okay. And can you just, in general,  
19 describe what Ms. Kelland's story was about?

20 A Yes. So the story by -- by Ms. Kelland  
21 looked into the fact that the Chair of the IARC  
22 working group, Dr. Blair, who was also involved  
23 with the U.S. Agricultural Health Study, it looked  
24 into the fact that he had in his possession,  
25 several years prior to the IARC meeting on

1 glyphosate, updated manuscripts of the  
2 Agricultural Health Study that looked into  
3 glyphosate, and found no connection between  
4 glyphosate and cancer.

5           Ms. Kelland had those draft manuscripts  
6 reviewed by other scientists to get their  
7 assessment of the -- of the conclusions. She  
8 reviewed a number of other documents as well. She  
9 reached out to Dr. Blair, and others, to get their  
10 input.

11           And, ultimately, her story explained  
12 that those manuscripts were in Dr. Blair's  
13 possession, that they were not shared with the  
14 IARC working group. And that based on -- based on  
15 the testimony of Dr. Blair, that the -- the  
16 outcome or the conclusion of those manuscripts  
17 would have affected the outcome of the IARC  
18 working group opinion.

19           Q     And why did the -- why did Monsanto, to  
20 your knowledge, provide information to Ms. Kelland  
21 in connection with this story?

22           A     We thought this was important --  
23 important information that needed to be published.  
24 The Agricultural Health Study is a taxpayer --  
25 U.S. taxpayer-funded study. It's the largest

1 epidemiology study looking at glyphosate and  
2 cancer, and glyphosate-based formulations and  
3 cancer.

4           And we -- we had serious concerns about  
5 the fact that these manuscripts had been in  
6 preparation for years, but had not yet been  
7 published. And we were hopeful that by -- that  
8 through an article that was vetted and prepared by  
9 a reporter such as Ms. Kelland, those types of  
10 questions could be asked publicly.

11           Q     And is providing information to  
12 reporters, like you did with Ms. Kelland, common  
13 practice in journalism?

14           A     It is. Reporters, you know, are  
15 routinely in touch with sources and companies, and  
16 universities, and other organizations, both to ask  
17 questions, but they are also, you know, interested  
18 in -- in potential stories. When there is a  
19 matter that is of -- of importance and within  
20 their area of interest, it would be very routine  
21 for someone who works in public affairs to share  
22 some information with a reporter.

23                   Of course, it would ultimately be the  
24 decision of that reporter, and his or her editors,  
25 whether or not to pursue the story.

1           Q     And was Ms. Kelland, if she wanted to do  
2     so, able to speak to others, besides Monsanto, to  
3     get their view of the story?

4           A     Of course. And again, as I've  
5     mentioned, I know she -- she talked to several  
6     other -- other scientists, and reached out to  
7     others for the story as well.

8           Q     And did the company have any ability to  
9     control what Ms. Kelland wrote in her story?

10          A     No. Once -- once I provided the initial  
11     information to -- to Ms. Kelland, she was free to  
12     do with that information what she saw fit. And  
13     the decision to investigate a story and ultimately  
14     -- ultimately publish it was her decision, and the  
15     decision of her editors at Reuters.

16          Q     And the AHS study was, in fact, later  
17     published; is that correct?

18          A     It was. It was later published in the  
19     Journal of the National Cancer Institute.

20          Q     Did the company have any control over  
21     the content of that publication?

22          A     No.

23                 MR. PARISER: I have no further  
24     questions at this time.

25                 MR. ESFANDIARY: Very quickly.



1 THE VIDEOGRAPHER: Just stay on the  
2 record?

3 MR. ESFANDIARY: Yeah, absolutely.  
4 Absolutely.

5 THE VIDEOGRAPHER: You can switch sides,  
6 but I'm going to let the cameras roll, is what I'm  
7 saying.

8 MR. ESFANDIARY: Oh, okay.

9 THE VIDEOGRAPHER: Since it takes so  
10 long to start them and stop them.

11 FURTHER EXAMINATION BY COUNSEL FOR PLAINTIFFS  
12 BY MR. ESFANDIARY:

13 Q Mr. Murphey, I appreciate your  
14 indulgence at this late hour.

15 Just a couple of follow-up questions on  
16 what Monsanto's counsel just asked you.

17 When you were in the office of Governor  
18 Nixon, you developed relationships with obviously  
19 Governor Nixon himself, correct?

20 A I did.

21 Q Okay. And you developed relationships  
22 with other political decision-makers in the State  
23 of Missouri, correct?

24 A I did.

25 Q And Monsanto is a resident of the State

1 of Missouri, correct, sir?

2 A Yes, Monsanto's headquarters was in  
3 Missouri.

4 Q Have you found yourself drawing upon the  
5 political influence that you built during your  
6 time with Governor Nixon in your tenure at  
7 Monsanto?

8 MR. PARISER: Objection to -- objection  
9 to form.

10 THE WITNESS: No. As I've explained,  
11 my -- my work at Monsanto has been focused on  
12 communications and media relations. Interactions  
13 with government officials is not part of my -- not  
14 part of my responsibility.

15 BY MR. ESFANDIARY:

16 Q And counsel asked you earlier in your  
17 representative capacity about the perception of  
18 Monsanto by the public. And you responded that  
19 there's a great deal of emotion, historical  
20 emotion about Monsanto as an entity. Do you  
21 remember that?

22 A Yes.

23 Q What do you -- what is Monsanto's  
24 perception of where this supposed emotion of the  
25 public comes from?

1 MR. PARISER: Objection to form and  
2 scope.

3 THE WITNESS: My -- my understanding,  
4 you know, is that that -- that perception comes  
5 from a real misunderstanding among many people  
6 in -- in the public or in society today about  
7 agriculture. And people, you know, are not -- are  
8 not familiar with some of the tools that farmers  
9 need to use to produce -- to produce food, and to  
10 do so in a sustainable way.

11 People have questions about their food.  
12 It's an emotional subject for all of us. We want  
13 to know that the food that we're consuming or  
14 providing to our family and friends is -- is safe.  
15 But folks have not had, again, direct access to  
16 information about -- about agriculture, and how it  
17 works.

18 And so over -- over time, I think  
19 Monsanto could have done more and could have done  
20 it earlier, to engage in that public conversation,  
21 and to allay some of those -- those concerns and  
22 that emotion. And I think if they -- if the  
23 company had done so, its reputation would probably  
24 have been very different.

25 BY MR. ESFANDIARY:

1           Q     Now, you testified about your general  
2     understanding, in your individual capacity, about  
3     the AHS and its conclusions, correct, sir?

4           A     Yes.

5           Q     Do you know what DeRoos 2003 is?

6           A     I believe that was an earlier version of  
7     the Ag Health Study.

8           Q     Okay. And what did DeRoos 2003  
9     conclude?

10               MR. PARISER: Objection, lack of  
11     foundation.

12               THE WITNESS: Offhand, I don't recall.  
13     BY MR. ESFANDIARY:

14           Q     Well, did -- are you familiar with  
15     Eriksson 2008?

16           A     I believe that is another epidemiology  
17     study. I'm not familiar with its conclusions.

18           Q     Are you aware of McDuffie 2002?

19           A     Again, I believe -- believe it's another  
20     epidemiology study.

21           Q     Are you aware of Bolognesi 1997?

22           A     No.

23           Q     Sir, I'll represent to you that all of  
24     those studies I read out to you have all found an  
25     association between NHL and exposure to Roundup.

1 Is it fair to say that the only studies that seem  
2 to have any notion about such a conclusion is the  
3 one that Monsanto likes to use for the proposition  
4 that glyphosate does not cancer, the AHS?

5 MR. PARISER: Objection to form,  
6 misstates evidence.

7 THE WITNESS: No, my -- my understanding  
8 is that the Agricultural Health -- the 2017  
9 publication of the Agricultural Health Study is  
10 the largest and most significant epidemiology  
11 study that's been published on the subject of  
12 glyphosate. But on the -- the other studies that  
13 you've referenced, I just -- I don't have  
14 familiarity into their conclusions.

15 BY MR. ESFANDIARY:

16 Q Please explain to the jury your  
17 understanding of what the size of an  
18 epidemiological study, how that impacts the  
19 quality of the epidemiological study?

20 MR. PARISER: Objection to form.

21 THE WITNESS: In a very general sense,  
22 my understanding is that an epidemiology study  
23 with a larger sample size is more statistically  
24 powerful, but I'm certainly -- I'm not an  
25 epidemiologist.

1 BY MR. ESFANDIARY:

2 Q You don't know the size of the DeRoos  
3 2003, correct, sir?

4 A Offhand, I don't recall.

5 Q Okay. Are you aware that IARC reviewed  
6 the AHS results from DeRoos 2005?

7 A Yes, I believe I did know that.

8 Q Are you aware that the results of  
9 Alavania 2013, the unpublished draft that later  
10 became the 2017 NCI publication, the results are  
11 substantively identical to DeRoos 2005 that was  
12 reviewed by IARC?

13 MR. PARISER: Objection to form and  
14 foundation.

15 THE WITNESS: I -- I can't speak to that  
16 either way.

17 BY MR. ESFANDIARY:

18 Q So when you said that IARC was not in  
19 possession of the updated AHS results, you don't  
20 know, in fact, whether IARC was already privy to  
21 identical results from the earlier AHS  
22 publication, correct, sir?

23 MR. PARISER: Objection to form.

24 THE WITNESS: No. Well, my  
25 understanding, and this is -- this is based off of

1 my reading of Dr. Blair's deposition, was that his  
2 testimony was, if the updated data had been  
3 available, it would have changed the assessment by  
4 the epidemiology working group.

5 BY MR. ESFANDIARY:

6 Q You testified earlier to -- an earlier  
7 line of questioning by myself, that IARC should  
8 have postponed the review of glyphosate until the  
9 NCI 2017 was published. Do you remember that,  
10 sir?

11 A I -- that was a question that we raised,  
12 is why -- why it wasn't delayed.

13 Q Do you think that the EPA should have  
14 also waited until the publication of the NCI  
15 before issuing its glyphosate issue paper?

16 MR. PARISER: Object. This is outside  
17 the scope of the direct examination.

18 THE WITNESS: I believe that when EPA --  
19 I'd have to go back and check the timing of  
20 whether the updated EPA issue paper included that  
21 or not.

22 BY MR. ESFANDIARY:

23 Q Mr. Murphey, well, you testified  
24 about -- you testified about this to some extent  
25 today. You and I both can agree that the

1 glyphosate -- let's actually take a step back.

2           The CARC report, the 2015 Cancer  
3 Assessment Review Committee, do you think that  
4 that should have been postponed until the updated  
5 results of the AHS had been published?

6           MR. PARISER: Objection to form.

7           THE WITNESS: At the time that the CARC  
8 report met -- or the CARC committee met in 2015,  
9 the data about the updated glyphosate manuscripts  
10 was not available.

11 BY MR. ESFANDIARY:

12           Q       Exactly. And IARC also met around the  
13 same time frame as the CARC committee, correct,  
14 sir?

15           A       Yes, but the key difference being that  
16 someone who had personal knowledge of the updated  
17 Ag Health Study manuscripts was a participant --  
18 was indeed the Chair of the IARC working group.

19           Q       Mr. Murphey, you're aware that the  
20 government, of which the EPA is a part, has full  
21 responsibility for the funding of the 2017 NCI  
22 study, right?

23           A       I am aware that it is funded by the  
24 federal government.

25           MR. ESFANDIARY: Okay. Thank you. No



1 more questions.

2 MR. PARISER: No further questions.

3 We're concluded.

4 THE VIDEOGRAPHER: The time is 6:45  
5 p.m., January 22nd, 2019. Going off the record,  
6 completing the videotaped deposition.

7 MR. PARISER: And just for the record,  
8 the witness will read and sign. Make sure that  
9 the transcript, in its entirety, is designated  
10 confidential, pursuant to the protective orders in  
11 this case.

12 MR. ESFANDIARY: So stipulated.

13 MR. PARISER: Thank you.

14 (Whereupon, the deposition of  
15 SAMUEL MURPHEY was concluded at  
16 6:46 p.m.)

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1 CERTIFICATE OF CERTIFIED SHORTHAND REPORTER

2 The undersigned Certified Shorthand Reporter  
3 does hereby certify:

4 That the foregoing proceeding was taken before  
5 me at the time and place therein set forth, at  
6 which time the witness was duly sworn; That the  
7 testimony of the witness and all objections made  
8 at the time of the examination were recorded  
9 stenographically by me and were thereafter  
10 transcribed, said transcript being a true and  
11 correct copy of my shorthand notes thereof; That  
12 the dismantling of the original transcript will  
13 void the reporter's certificate.

14 In witness thereof, I have subscribed my name  
15 this date: January 28, 2019.

16

17

18 \_\_\_\_\_  
LESLIE A. TODD, CSR, RPR

19 Certificate No. 5129

20

21 (The foregoing certification of  
22 this transcript does not apply to any  
23 reproduction of the same by any means,  
24 unless under the direct control and/or  
25 supervision of the certifying reporter.)

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ACKNOWLEDGMENT OF DEPONENT

I, \_\_\_\_\_, do hereby  
certify that I have read the foregoing pages, and  
that the same is a correct transcription of the  
answers given by me to the questions therein  
propounded, except for the corrections or changes  
in form or substance, if any, noted in the  
attached Errata Sheet.

\_\_\_\_\_

SAMUEL MURPHEY DATE

Subscribed and sworn to  
before me this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My commission expires: \_\_\_\_\_

\_\_\_\_\_

Notary Public